

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD8800 Cal Center Drive
Sacramento, California 95826Jesse Huff, Chairman
Sam Egigian, Member
Paul Relis, MemberWednesday, July 20, 1994
10:00 a.m.
meeting of the**PERMITTING AND ENFORCEMENT COMMITTEE**of the
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD8800 Cal Center Drive
Sacramento, CA 95826**AGENDA**

- Note:
- o Agenda items may be taken out of order.
 - o If written comments are submitted, please provide 20 two-sided copies.

Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is considered.

1. *NOT consent* CONSIDERATION OF BOARD REVIEW OF A SOLID WASTE FACILITIES PERMIT IF VIOLATIONS OF STATE MINIMUM STANDARDS EXIST
2. *NOT consent* CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE BUENA VISTA DRIVE SANITARY LANDFILL, SANTA CRUZ COUNTY
3. *NOT consent* CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE CITY OF SANTA CRUZ CLASS III SANITARY LANDFILL; SANTA CRUZ COUNTY

Page
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1985 permit

22

1978 permit

4. CONSIDERATION OF THE TEMPORARY CERTIFICATIONS AND DESIGNATION APPROVALS OF THE LOCAL ENFORCEMENT AGENCIES FOR THE COUNTY OF GLENN, THE COUNTY OF TRINITY, AND THE COUNTY OF DEL NORTE

45

5. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE PONDEROSA LANDFILL, YUBA COUNTY

54

6. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE FORWARD LANDFILL, SAN JOAQUIN COUNTY

67

7. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE UPPER VALLEY RECYCLING AND DISPOSAL SERVICE COMPOSTING FACILITY, NAPA COUNTY

84

8. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE ORD RANCH TRANSFER STATION, BUTTE COUNTY

114

9. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE CHIQUITA CANYON LANDFILL, LOS ANGELES COUNTY

130

10. CONSIDERATION OF ADOPTION OF AMENDMENTS TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, DIVISION 7, CHAPTER 5, ARTICLE 3.5, SECTIONS 18281 AND 18282 (CLOSURE AND POSTCLOSURE COSTS FUNDING FORMULA)

151

11. SEMI-ANNUAL UPDATE OF THE INVENTORY OF SOLID WASTE FACILITIES WHICH VIOLATE STATE MINIMUM STANDARDS (INVENTORY)

164

12. CONSIDERATION OF APPROVAL TO NOTICE FOR PUBLIC COMMENT THE REGULATORY REQUIREMENTS FOR A TIERED PERMITTING STRUCTURE FOR SOLID WASTE FACILITIES (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 18100-18105.11)

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13. CONSIDERATION OF APPROVAL TO NOTICE FOR PUBLIC COMMENT THE MINIMUM STANDARDS FOR GREEN MATERIAL, CONSUMER MATERIAL, SEWAGE SLUDGE, AND MIXED SOLID WASTE COMPOSTING FACILITIES (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 17850-17899)

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14. CONSIDERATION OF APPROVAL TO NOTICE FOR PUBLIC COMMENT THE PERMIT REFORM ACT REGULATIONS AND NEGATIVE DECLARATION OF POTENTIAL ENVIRONMENTAL IMPACTS TO SATISFY REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 18800 AND 18801)

255

15. OPEN DISCUSSION

16. ADJOURNMENT

Addendum 11:00

Noon - 1:30 Lunch

Board July-92 means of determining.

No 2-0 Air permit
Consent

Notice:

The Committee may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126 (a) and (q), respectively.

For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Patti Bertram
(916) 255-2156

Upper Valley Napa Bay Area
Is the lack of permit from AQMD
a reason to object.
Have submitted an application to AQMD.

gas overview

all solid decompose to some degree
by products of " Solids, liquids, gases.

METHANE, CO₂
50% 50%

Other trace Constituents

N₂
O₂
VOCs (5 of 48 carcinogenic)
Vinyl Chlorides

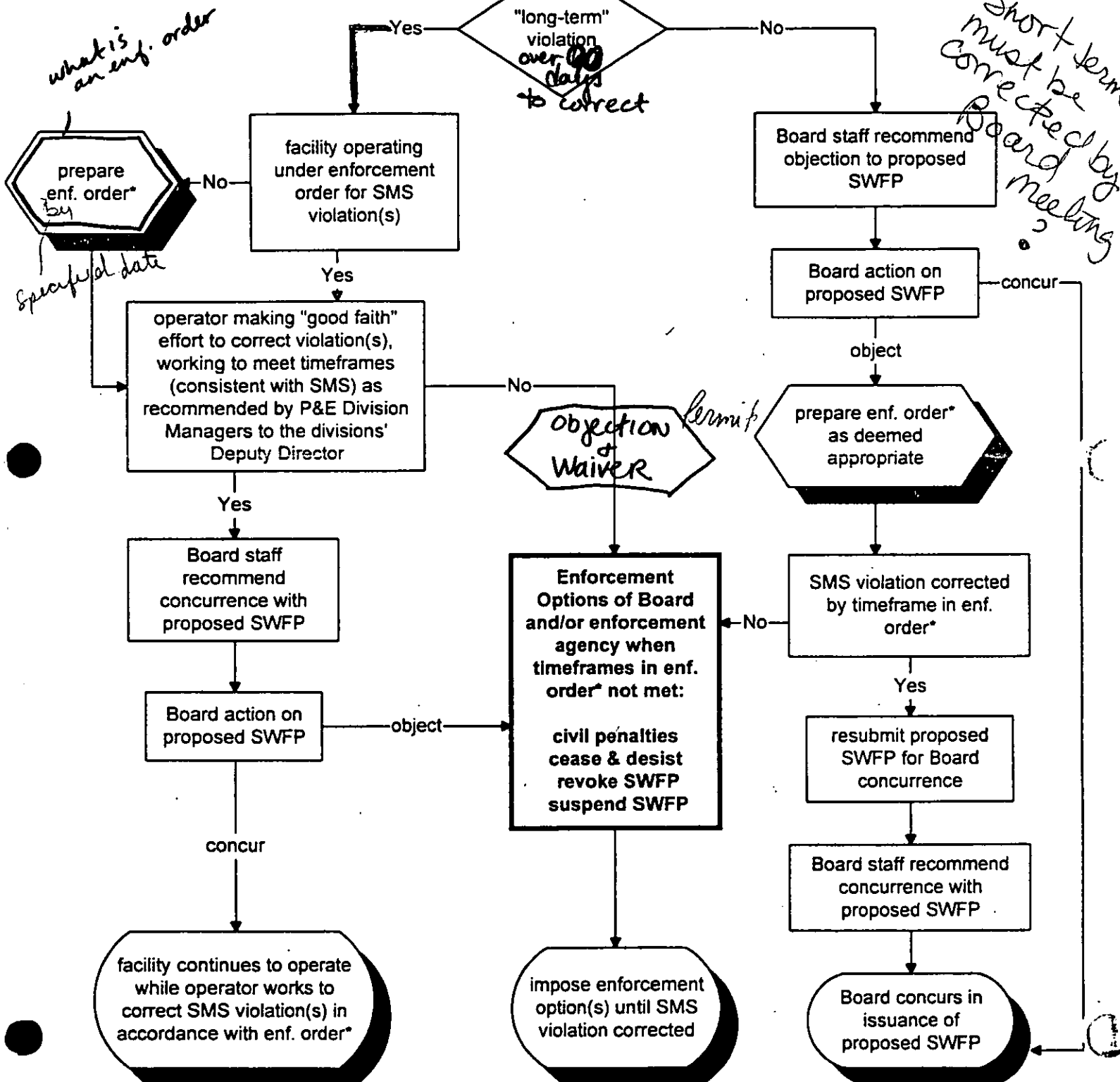
METHANE
LEL -
Lower
Explosive Level

is explosive only when present in
Air at concentrations between 5 + 15%
problem when vents into atmosphere

Upper Valley
Discussions w/ AQMD odor issue
other Allegations CEQA for Seed Dryer

BOARD CONSIDERATION OF PROPOSED SWFP IF STATE MINIMUM STANDARD (SMS) VIOLATION(S) EXIST (all other requirements met)

violation not immediate threat to public health, safety, or environment



CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting
July 20, 1994

AGENDA ITEM 1

ITEM: Consideration of Board Review of a Solid Waste Facilities Permit if Violations of State Minimum Standards Exist

BACKGROUND:

This agenda item and attached flowchart is prepared for consideration to establish written policy and procedure when the Board, serving as the Enforcement Agency, takes action on a proposed Solid Waste Facilities Permit (SWFP). The flowchart illustrates a procedure for Board members to consider when determining concurrence in or objection to a proposed SWFP when state minimum standard violations exist. This flowchart may be considered if a facility is not in full compliance with state minimum standards at the time of Enforcement Agency (EA) Section staff's presentation of the proposed SWFP. In particular, the procedure applies to long-term violations with no threat to the environment, public health and safety.

The Board is currently serving as the solid waste enforcement agency for the City of Berkeley and the Counties of Santa Cruz and Stanislaus. When an application package is received by EA Section staff, they have 30 days to deem the application complete, in accordance with Title 14 California Code of Regulations (14 CCR) Section 18201. After an application package is deemed complete, the 120 day clock for processing the SWFP begins. The EA Section when acting as the enforcement agency for the board is responsible for reviewing a SWFP application and preparing a proposed SWFP for Board consideration within the 120 day timeframe.

When presenting a proposed SWFP to the Board, EA Section staff must identify that specific findings have been made, including the finding that the design and operation of the facility is consistent with state minimum standards. Furthermore, Public Resources Code (PRC) Section 44009 indicates that the Board may object to the provisions of a SWFP if it determines that the SWFP is not consistent with state minimum standards.

Review of Board files reveals that it has been Board staff practice to recommend the Board concur in the issuance of a proposed SWFP provided the owner/operator is making a good faith effort to correct the violations of state minimum standards. If the owner/operator was doing what they could to correct the violations, as determined by the appropriate regulatory agency(s), the proposed permit [facility] is considered to be consistent with state standards. In those instances when the

*Form of
Conditions
of
Enf. order*

*Kathryn
Tobias
Compliance
w/
Enforcement
order*

Board concurred, the noted violations were "long-term" requiring a period of time (usually more than 90 days) to fully correct, such as leachate control. Although text was included in the agenda item reflecting this, concurrence was not always by a unanimous vote of the Board.

ANALYSIS

The attached flowchart was developed for consideration by the Board when acting as the enforcement agency to establish written policy or procedure for recommending concurrence in or objection to a SWFP if a state minimum standard violation exists. The flowchart deals mostly with long term violations (those that take longer than 90 days to correct). The flowchart assumes that the SWFP application was deemed complete and the 120 day clock has started for processing a SWFP. The 120 days is important because most long-term violations cannot be fully corrected within that time, and, EA Section staff could not identify any statute or regulation for rejecting a SWFP application solely because of a violation of state minimum standards.

Below is a summary of the assumptions and components of the flowchart:

- Board is considering action on a SWFP when a state minimum standard violation exists;
- Flowchart does not reflect SWFP violations;
- Flowchart does not apply when immediate threat exists;
- State Minimum Standard is long-term (e.g., leachate, gas control, violations which could take longer than 90 days to correct);
- Operator demonstrating "good faith" effort as recommended by Permitting and Enforcement Division Branch Managers to the Division's Deputy Director;
- Enforcement Order is prepared, as deemed appropriate, to achieve compliance by specified date; and
- Potential penalties for noncompliance:
 - ▶ Cease and Desist Order
 - ▶ Revoke, Suspend SWFP
 - ▶ Civil Penalties

Using the flowchart, if the owner/operator is demonstrating a good faith effort to correct the violation, EA Section staff would recommend the Board concur in the issuance of the proposed

SWFP. The determination of good faith effort will be discussed between the Permitting and Enforcement Division Branch Managers to evaluate the owner/operator's efforts to bring the facility into compliance with state minimum standards. The outcome of these discussions will result in a recommendation to the division's Deputy Director. If it is determined that an owner/operator is not making a good faith effort to correct state minimum standard violations, appropriate enforcement action will be pursued until the violations are corrected. Determination of the lack of a good faith effort will be based on the owner/operator's demonstrated efforts to meet timeframes outlined in an enforcement order.

The attached flowchart was presented to the Enforcement Advisory Council on June 8, 1994. In addition, major industry representatives were forwarded a copy of the flowchart for comment. As of the writing of this agenda item, no opposing comments have been received regarding the flowchart. Although this policy is intended for use when the Board is serving as the solid waste enforcement agency, the policy may be further developed with local enforcement agencies through the LEA Roundtables and the Enforcement Advisory Council for use when processing a SWFP.

STAFF RECOMMENDATION:

Staff recommend the Board adopt the attached flowchart for Board members to review in the event a proposed SWFP is presented and violations of state minimum standards exist. The policy is only for those instances where the Board is serving as the solid waste enforcement agency.

ATTACHMENT:

1. Flowchart - Board Consideration of Proposed SWFP if State Minimum Standard Violations Exist

Prepared by: JHbSA Jeff Hackett Phone 2393
Reviewed by: SA 7/8 SA for HTU 7/8 Sharon Anderson/H. Thomas Unsell Phone 2379/2298
Approved by: DU 7-11-94 Phone 2421
Legal Review: [Signature] 7/8/94 Phone _____

**BOARD CONSIDERATION OF PROPOSED
SWFP IF STATE MINIMUM STANDARD
(SMS) VIOLATION(S) EXIST
(all other requirements met)**

violation not
immediate threat to
public health, safety,
or environment

"long-term"
violation

Yes

No

prepare
enf. order*

facility operating
under enforcement
order for SMS
violation(s)

Board staff recommend
objection to proposed
SWFP

Board action on
proposed SWFP

concur

object

prepare enf. order*
as deemed
appropriate

operator making "good faith"
effort to correct violation(s),
working to meet timeframes
(consistent with SMS) as
recommended by P&E Division
Managers to the divisions'
Deputy Director

No

Yes

Board staff
recommend
concurrence with
proposed SWFP

Board action on
proposed SWFP

object

concur

facility continues to operate
while operator works to
correct SMS violation(s) in
accordance with enf. order*

**Enforcement
Options of Board
and/or enforcement
agency when
timeframes in enf.
order* not met:**

**civil penalties
cease & desist
revoke SWFP
suspend SWFP**

impose enforcement
option(s) until SMS
violation corrected

SMS violation corrected
by timeframe in enf.
order*

No

Yes

resubmit proposed
SWFP for Board
concurrence

Board staff recommend
concurrence with
proposed SWFP

Board concurs in
issuance of
proposed SWFP

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee

July 20, 1994

AGENDA ITEM 2

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit (SWFP) for the Buena Vista Drive Sanitary Landfill, Santa Cruz County

BACKGROUND:

Facility Facts

Name: Buena Vista Drive Sanitary Landfill
Facility No. 44-AA-0004

Facility Type: Existing Class III Landfill

Location: 150 Roundtree Lane (office) and 1231 Buena Vista Drive (entrance), Watsonville

Area: 134 acres: Current landfilling operations occur on a 72 acre parcel, of which 52 acres are being landfilled or planned to be landfilled.

Setting: Surrounding landuse includes scattered residential and agricultural to the north and east, Sheriff's Rehabilitation Facility and Migrant Farmworkers Housing to the south, Harkins Slough to the east, solid waste disposal to the southwest, and agriculture/open space to the west.

Operational Status: Active, Permitted

Tonnage: Proposed peak of 620 tons per day (tpd)

Waste Types: Nonhazardous mixed municipal; construction/demolition; commercial & industrial wastes; inerts; dewatered sewage sludge; dead animals; autoclaved infectious waste; petroleum contaminated soils.

Volumetric Capacity: Gross remaining air space ~7,500,000yd³
Net solid waste capacity ~5,240,000yd³

Owner/Operator: County of Santa Cruz Department of Public Works
Mr. John A. Fantham, Director

Enforcement

Agency: California Integrated Waste Management Board

Proposed Project

The proposed SWFP is for changes in design and operation which have occurred since the issuance of the 1985 SWFP, including:

- ▶ Increase in maximum daily tonnage from 160 tpd to 620 tpd;
- ▶ Acceptance of dewatered sewage sludge in accordance with waste discharge requirements;
- ▶ Implementation of a household hazardous waste collection facility and load checking program;
- ▶ Salvaging and processing (chipping) of wood debris; and
- ▶ Construction of an (active) landfill gas control system.

SUMMARY:

Site History

The Buena Vista Drive Sanitary Landfill originally occupied 37 acres, 24 acres filled, southwest of the current fill area. The site was operated as a private landfill prior to its acquisition by the County of Santa Cruz in the 1960s. After the 24 acres were filled, landfilling progressed to an old quarry area, approximately 25 acres, 13 acres filled, northeast of Gallighan Slough. The facility was issued its first SWFP on August 27, 1979. In 1985, the SWFP was revised to include a 72 acre expansion and to allow the facility to receive 160 tpd by 1990. An Environmental Impact Report (EIR) was completed and certified in 1984 for the expansion. A Technical Addendum to the EIR was filed and approved by the Santa Cruz County Planning Department in 1991 regarding conversion factors and allowable tonnages of up to 620 tons per day.

The Central Valley Regional Water Quality Control Board adopted updated Waste Discharge Requirements on April 8, 1994.

Compliance History

On March 25, 1993 a Notice and Stipulated Order of Compliance (N&O) was issued to allow the facility to operate at status quo until the SWFP is revised to reflect changes in design and operation that have occurred since issuance of the 1985 SWFP. The N&O required the operator to revise the SWFP as well as submit a plan to control landfill gas (LFG) migration. Concurrence and subsequent issuance of the proposed SWFP will

correct permit violations. The operator submitted a plan to control LFG migration by the required date and implementation of the plan was completed in October 1993. Adjustments have been made to the LFG system and Board staff's July 6, 1994 inspection identified that LFG levels did not exceed five percent at the permitted property boundary.

Enforcement Agency Section staff have been using LFG probes located adjacent to the landfill to monitor for LFG migration. Probe P-11 along the eastern side of the landfill has detection levels of LFG greater than five percent. However, since this probe is not located at the permitted property boundary Enforcement Agency Section staff conducted a bar hole survey and installed a temporary probe along the permitted property boundary to evaluate levels of LFG along the eastern portion of the property boundary. Neither the bar hole survey nor the temporary probe detected LFG in excess of five percent along the eastern property boundary.

Project Description

The Buena Vista Drive Sanitary Landfill is located in southern Santa Cruz County, approximately 3 miles west of the City of Watsonville. The surrounding land use is predominately agriculture/open space along with institutional (Sheriff's Rehabilitation Facility) and residential (County Housing Project-Migrant Farmworker Housing). The Sheriff's Rehabilitation Facility is within 200 feet of the landfill property boundary. Landfill gas migration monitoring probes have been installed around the rehabilitation facility and no significant levels have been detected (<500 parts per million).

Access to the facility is from Buena Vista Drive. To address increased traffic flows during peak periods, a second gate house and computer system have been constructed to process incoming vehicles in a more timely manner to keep vehicles from stacking on Buena Vista Drive.

The facility currently accepts an average of 420 tpd of which approximately 330 tpd are landfilled and the balance diverted. The landfill is open from 7:30 a.m. to 3:30 p.m., Monday through Sunday, except certain holidays. Landfill operations, such as spreading, compaction and cover application are conducted from 8:30 a.m. to 5:00 p.m.

This facility is a cut and fill operation composed of 5 modules. All modules are developed chronologically and filled to an initial elevation of 100-120 feet above mean sea level. After all modules are filled to the initial elevation, the modules will be overfilled to create final contours harmonious with the surrounding terrain. Module 1 has been filled to the initial elevation and an intermediate cover placed. Module 2 is the

current landfilling area and is expected to reach its initial elevation this fall. Construction of Module 3 is underway and will conform with Subtitle D and Regional Water Quality Control Board (RWQCB) design requirements.

A typical operation cycle for this facility is described as follows: Refuse vehicles first proceed to the gate house to be weighed, small vehicles are charged a flat rate. The vehicles are then directed to the unloading area. During peak hours, a spotter is used to manage traffic flows. After the refuse is unloaded, a crawler tractor and/or compactor promptly spread and compact the refuse over the inclined slope of the working face. The refuse is spread and compacted in cells which are 15 to 20 feet in height. At the end of the working day, compacted refuse is covered with six inches of soil. The working face is minimized to the smallest size practical to ensure safe operations and efficient refuse placement.

Environmental Controls

Each module has been or will be designed with a discrete leachate collection and removal system (LCRS), in accordance with RWQCB design requirements. The LCRS uses a sump at the low end of the module which pumps leachate to a holding tank. The leachate collected is trucked to the county sanitation district for disposal.

The facility is equipped with an active LFG control system to control off-site LFG migration. The control system currently consists of a flare & blower facility and 22 extraction wells. The control system will be expanded as development of the landfill progresses. There are 12 LFG migration monitoring probes strategically located around the landfill and adjacent properties to monitor off-site migration.

Fire control measures include: fire suppression systems in the maintenance facility and household hazardous waste facility; fire extinguishers located around the facility and on heavy equipment; fire clearances/breaks as required by the local fire authority; and use of daily cover.

A dedicated water truck is used for road watering and dust control daily.

The use of daily and intermediate cover, a small active face, and compaction are the vector control measures utilized at this facility. If significant vector activity is observed, pest control specialists will be contacted. Since the facility is located within 10,000 feet of the Watsonville Airport, the operator is required to demonstrate that the facility will not pose a bird hazard to aircraft. Control measures currently used for bird control include minimizing the active face, placement of

daily cover, and use of pyrotechnic and other noise making devices. However, since birds continue to congregate at the landfill, the operator is evaluating the use of monofilament wire barrier grids for Module 3. In accordance with current requirements, the operator has notified the FAA and airport manager about landfill operations. This notification has been placed in the operating record. No complaints have been filed with this enforcement agency regarding birds.

Litter control is performed daily by Sheriff's Rehabilitation crews. County litter crews are also used to collect litter on adjacent properties and roadsides if litter blows off-site. The use of temporary (portable) litter fences and installation of a 15 foot high litter fence along Harkins Slough Road are also used to control litter. Additionally, the active face of the landfill is confined to as small an area as possible and covered daily.

Noise from landfill operations is controlled by mufflers and proper maintenance of all equipment. Also, operation of heavy equipment is limited to 8:30 a.m. to 5:00 p.m.. No noise complaints have been received by this enforcement agency.

Odors are controlled by the use of daily cover and a LFG extraction system. Odorous wastes (e.g., dead animals, food wastes) are immediately buried using special handling procedures. No odor complaints have been received by this enforcement agency.

There is a household hazardous waste collection storage facility located on-site. The public can drop off household hazardous waste on an appointment basis. A load checking program has also been implemented at the facility. At regularly scheduled intervals trained facility personnel conduct inspections of incoming loads, remove any household hazardous waste found and distribute information on the program as well as hazardous material alternatives.

Resource Recovery Program

In addition to the county's curbside collection program, numerous measures for resource recovery are underway at the facility. Loads of concrete, asphalt, wood debris, tires, white goods, and mattresses are directed to separate unloading areas. Concrete is stockpiled on the closed landfill (west of Gallighan Slough) and processed into road base by Granite Construction Company. Asphalt is used as road base for on-site roads and for the wet weather working deck. Wood debris is chipped on a closed portion of the landfill and was hauled to a biomass plant. On July 6, 1994, Enforcement Agency Section staff were informed that the chipped wood will no longer be accepted/used by the biomass plant. Apparently, Pacific Gas and Electric did not renew their contracts with the biomass plant industry. The operator is in the process of pursuing new markets for the chipped wood. Tires

are collected and stored in a trailer and hauled off-site. White goods are stored in roll-off bins and transported to a salvager. Refrigerants are removed on-site by trained personnel. Other materials collected at the facility on a drop-off basis include paper, glass, metal, cardboard, spent lead acid batteries, used oil & filters, and used anti-freeze. A small materials recovery facility has been set up near the entrance. This pilot project is for separating materials collected through the county's curbside recycling program. The outcome of this pilot project will assist in evaluating future material recovery efforts.

ANALYSIS:

Requirements for Concurrence with the SWFP

Pursuant to Public Resources Code (PRC), Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a proposed SWFP. Since the proposed SWFP for this facility was formulated on June 23, 1994, the last day the Board may act is August 22, 1994.

The Board's Enforcement Agency Section, serving as the Enforcement Agency, has prepared a proposed permit, reviewed the supporting documentation, and determined that the permit and supporting documentation are acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan

The Santa Cruz County Planning Department has determined that the facility is identified and described in the 1989 Santa Cruz County Solid Waste Management Plan, pursuant to PRC 50000. Board Governmental and Regulatory Affairs Division, Office of Local Assistance staff agrees with said finding.

2. Consistency with General Plan

The County of Santa Cruz Planning Department has found that the proposed facility is consistent with, and is designated in, the applicable General Plan, pursuant to PRC 50000.5. Board Governmental and Regulatory Affairs Division, Office of Local Assistance staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

Staff of the Board's Governmental and Regulatory Affairs Division, Office of Local Assistance, make an assessment, pursuant to PRC § 44009, to determine if the record contains substantial evidence that the proposed project would prevent

or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair the County of Santa Cruz from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency.

After reviewing the environmental documentation for the proposed changes, Board staff have determined that CEQA has been complied with.

5. Compliance with State Minimum Standards

The Board's Enforcement Agency Section staff have determined that the facility's design and operation are consistent with the State Minimum Standards for Solid Waste Handling and Disposal. This determination is based on an inspection of the facility by Enforcement Agency Section staff on July 6, 1994.

6. Financial Assurance

Santa Cruz County has established an acceptable financial mechanism, in the form of an Enterprise Fund and Pledge of Revenue to cover the estimated closure and postclosure maintenance costs of this facility. These mechanisms meet the financial assurance requirements of Title 14 of the California Code of Regulations. Based on the data provided by the County, the mechanism is deficient by approximately \$200,000 at this time. The deficiency has been addressed and the account will be adequately funded by the end of July 1994.

The County of Santa Cruz submitted a Certificate of Insurance which provides coverage for operating liability. The requirement for operating liability insurance has been satisfied for this facility.

7. Closure and Postclosure Maintenance Plans

Conditional approval of the Preliminary Closure and Postclosure Maintenance Plans, dated July 1993 and revisions dated December 1993, was granted on March 31, 1994. The conditional approval concerned the adequacy of funding as mentioned above.

STAFF RECOMMENDATION:

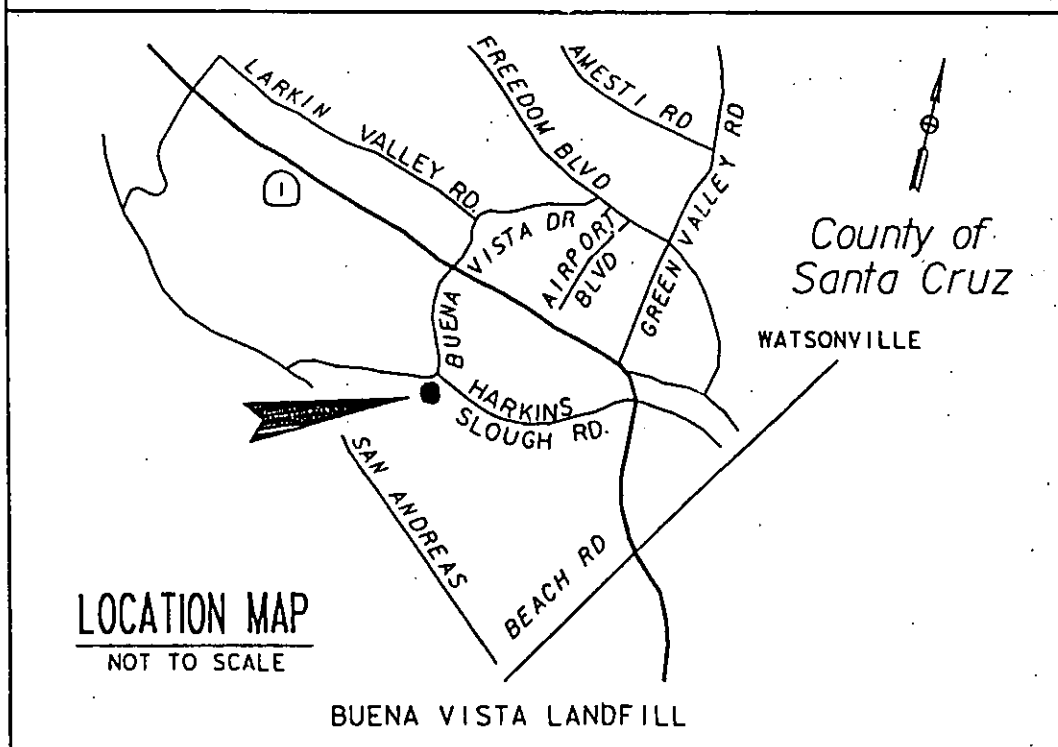
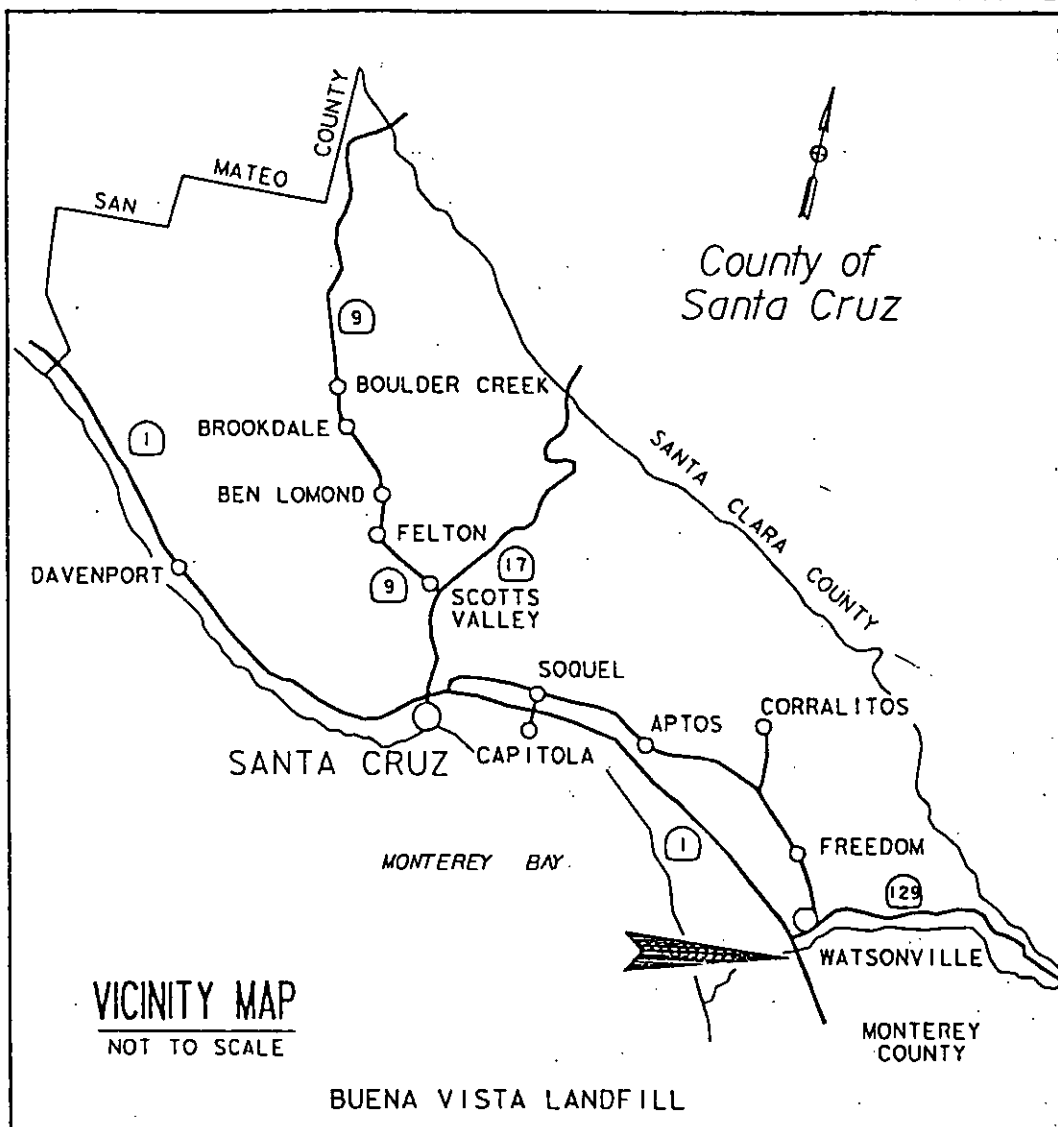
Because a Revised Solid Waste Facilities Permit is proposed, the Board must either concur in or object to the proposed permit as submitted by the Enforcement Agency.

Staff recommend that the Board adopt Permit Decision No. 94-74 concurring in the issuance of revised Solid Waste Facilities Permit No. 44-AA-0004.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 44-AA-0004
4. AB 2296 Finding of Conformance
5. Permit Decision No. 94-74

Prepared by:	<u>Jeff Hackett</u> <i>7/7/94</i>	Phone:	<u>2393</u>
Reviewed by:	<u>Sharon Anderson/H. Thomas Unsell</u> <i>SA 7/7/94</i> <i>CTH</i>	Phone:	<u>2379/2298</u>
Approved by:	<u>Douglas Okumura</u> <i>DO 7-11-94</i>	Phone:	<u>2431</u>



SOLID WASTE FACILITY PERMIT

1. Facility

ATTACHMENT 3

44-AA-0004

2. Name and Street Address of Facility:

Buena Vista Drive Sanitary
Landfill
150 Roundtree Lane
Watsonville, CA 95076

3. Name and Mailing Address of Operator:

County of Santa Cruz
Department of Public Works
701 Ocean Street, Room 410
Santa Cruz, CA 95060

4. Name and Mailing Address of Owner:

County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

5. Specifications:

a. Permitted Operations:

- | | | | |
|-------------------------------------|---------------------------------------|--------------------------|-------------------------|
| <input type="checkbox"/> | Composting Facility
(mixed wastes) | <input type="checkbox"/> | Processing Facility |
| <input type="checkbox"/> | Composting Facility
(yard waste) | <input type="checkbox"/> | Transfer Station |
| <input checked="" type="checkbox"/> | Landfill/Disposal Site | <input type="checkbox"/> | Transformation Facility |
| <input type="checkbox"/> | Material Recovery Facility | <input type="checkbox"/> | Other: |

b. Permitted Hours of Operation: Monday - Sunday

7:30 a.m. to 3:30 p.m. receive refuse

8:30 a.m. to 5:00 p.m. compaction/cover operations

c. Permitted Tons per Operating Day:

Total:620..... Tons/Day

Non-Hazardous - General

.....not specified (ns)..... Tons/Day

Non-Hazardous - Sludge

.....ns..... Tons/Day

Non-Hazardous - Separated or commingled recyclables

.....ns..... Tons/Day

Non-Hazardous - Other (See Section 14 of Permit)

.....ns..... Tons/Day

Designated (See Section 14 of Permit)

.....N/A..... Tons/Day

Hazardous (See Section 14 of Permit)

.....N/A..... Tons/Day

d. Permitted Traffic Volume:

Total:ns..... Vehicles/Day

Incoming waste materials

.....ns..... Vehicles/Day

Outgoing waste materials (for disposal)

.....N/A..... Vehicles/Day

Outgoing materials from material recovery operations

.....ns..... Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing EA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	134 acres	52 acres for Modules 1 through 5				
Design Capacity		5,240,000cy remaining net waste capacity				
Max. Elevation (Ft. MSL)		200 feet				
Max. Depth (Ft. BGS)		5 ft above highest anticipated groundwater				
Estimated Closure Date		2020				

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Ralph E. Chandler
Executive Director
California Integrated Waste Management Board

7. Enforcement Agency Name & Address:

California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

8. Received by CIWMB:

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

Page 2 of 3

44-AA-0004

12. Legal Description of Facility (attach map with RFI):

Section 1, Township 12 South, Range 1 East, Mount Diablo Base and Meridian. The legal description of the 134 acres is contained in section I.C.2. of the August 28, 1993 Report of Disposal Site Information.

13. Findings:

- a. This facility is identified and described in the 1989 Santa Cruz County Solid Waste Management Plan, pursuant to Public Resources Code, Section 50000.
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board pursuant to Public Resources Code, Section 44010.
- c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Enforcement Agency on July 11, 1994.
- d. The California Department of Forestry and Fire Protection, San Mateo-Santa Cruz Ranger Unit, has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151.
- e. The following environmental documents have been filed: Environmental Impact Report for Buena Vista Sanitary Landfill (SCH #83122012) and Negative Declaration for a Household Hazardous Waste Collection Facility.
- f. The landfill currently has programs to divert wood waste, concrete, tires, white goods, and mattresses from land disposal. The landfill also has a household hazardous waste collection facility as well as a recycling drop off center for a variety of recoverable materials, including used oil, batteries, used antifreeze, glass, metal, paper, cardboard, and plastic. Improvements to the county's diversion efforts are ongoing.
- g. A County-wide Integrated Waste Management Plan has not been approved by the CIWMB.
- h. The County of Santa Cruz Planning Department has made a determination that the facility is consistent with, and designated in, the applicable general plan as required in Public Resources Code, Section 50000.5(a).
- i. The County of Santa Cruz Planning Department has made a finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b).

14. Prohibitions:

The permittee is prohibited from accepting any liquid waste, sludge, non-hazardous waste requiring special handling, designated waste, untreated medical wastes, radioactive wastes, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits:

- Dewatered Sewage Sludge, Leachate, and Gas Condensate in accordance with the governing waste discharge requirements;
- Temporary storage of Household Hazardous Waste recovered through the load checking and public drop-off programs;
- Dead Animals;
- Autoclaved Infectious Waste;
- Petroleum Contaminated Soils within Regional Water Quality Control Board standards;
- Empty Pesticide Containers.

15. The following documents describe and/or restrict the operation of this facility:

	Date		Date
[X] Report of Facility Information	08/27/93	[X] Prelim. Closure/Post Closure Plan Revisions	07/93 12/93
[X] Amendments to RFI	02/14/94	[X] Closure Financial Responsibility Document	12/93
[X] Land Use Permits		[X] Operating Liability Certification	06/93
83-1503-DP/83-1507-GPA/LCPA	04/23/85	[X] EIR- Buena Vista Landfill Expansion (SCH #83122012)	10/84
90-1010	12/21/90	Technical Amendment	09/91
93-0093	05/07/93	[X] Negative Declaration	11/90
[X] Waste Discharge Requirements Order No. 94-29	04/08/94	Household Hazardous Waste Facility	
[X] Air Pollution Permit #6967	11/18/93	[X] Contract Agreements	
[] Local & County Ordinances		Waste Management	01/92
		B&M Recycling (Wood)	03/94

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

Page 3 of 3

44-AA-0004**16. Self Monitoring:**

The reporting frequency for the self-monitoring programs are to be submitted as part of, or in conjunction with, the quarterly monitoring reports as required by the governing waste discharge requirements. Results of all self-monitoring programs shall be reported as follows:

Program	Reporting Frequency	Agency Reported To
Maintain daily records of the types and quantities of municipal solid waste, including separated and commingled recyclables, received each day. Daily records shall be available to the EA upon request. For reporting purposes, the quarterly report shall provide the monthly total, in tons, of each type of waste received during the quarter.	Quarterly	Enforcement Agency
The quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Quarterly	Enforcement Agency
Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.	Quarterly	Enforcement Agency
Maintain daily records of the number and types (commercial vs. public) of vehicles using the facility per day. Daily records shall be available to the EA upon request. For reporting purposes, the quarterly report shall provide the monthly total of the number and types of vehicles using the facility during the quarter.	Quarterly	Enforcement Agency
The results of the load check program.	Quarterly	Enforcement Agency
The results of the landfill gas monitoring program.	Quarterly	Enforcement Agency

17. Enforcement Agency (EA) Conditions:

- This facility shall comply with all federal, state, and local requirements and enactments, including all mitigation measures in any certified environmental document filed pursuant to Public Resources Code, Section 21031.6
- The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA at all times.
- The operator shall maintain a bird control program to prevent potential hazards to aircraft that use the Watsonville Airport, which is located within 10,000 feet of this landfill.
- Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame indicated by the EA.
- This facility has a permitted capacity of 620 tons per day, and shall not receive more than this amount without a revision of this permit.
- This permit is subject to review by the EA and may be suspended, revoked, or modified at any time for sufficient cause.
- The EA reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.

Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change to the EA at least 120 days in advance of the change.

MEMORANDUM

To: Jeff Hackett, AWMS
Enforcement Agency Section
Permitting and Enforcement Division

Date: July 7, 1994

From: Dianne Range
Dianne Range, SWMS
Local Assistance Branch
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: REVIEW OF THE PROPOSED PERMIT MODIFICATION FOR FACILITY
NO. 44-AA-0004, BUENA VISTA DRIVE LANDFILL, SANTA CRUZ
COUNTY, FOR CONFORMANCE WITH AB 2296

The proposed permit modification for the Buena Vista Drive Landfill, Santa Cruz County, Facility No. 44-AA-0004, involves the following significant changes:

1. An increase in the amount of waste accepted per day from 160 tons per day to a maximum of 620 tons per day;
2. Acceptance of sewage sludge;
3. Implementation of a household hazardous waste collection facility and load checking program;
4. Processing of wood debris; and
5. A sorting line or "mini MRF" for materials collected through the curbside recycling program.

Based on review of materials submitted to the Office of Local Assistance on March 14, 1994, and subsequent, the proposed permit modification conforms with AB 2296 as follows:

1. The permit is consistent with the waste diversion requirements (PRC 44009);
2. The facility is consistent with the Santa Cruz County Solid Waste Management Plan (CoSWMP) (PRC 50000); and
3. The facility is in conformance with the Santa Cruz County General Plan (PRC 50000.5).

PRC 44009: WASTE DIVERSION REQUIREMENTS

The unincorporated portion of the county and the City of Scotts Valley send 100% of the waste stream to this facility. The commercial and residential self-haul portion of the waste stream from the cities of Capitola and Watsonville is deposited at the landfill.

The Preliminary Source Reduction and Recycling Element (SRRE) for the Unincorporated Portion of Santa Cruz County and the Cities of Capitola, Scotts Valley and Watsonville forecast achieving the mandated diversion goals.

One of the revisions to the permit involves the construction and implementation of a "mini-MRF." According to the Recycling Component of the SRRE, the Buena Vista Materials Recovery Facility (MRF) is an integral part of the diversion program for the entire county and is listed as a "Multi-Jurisdiction Program." The facility is relied upon in the SRRE in order to assist participating jurisdictions' ability to meet the AB 939 diversion goals.

At this time, the mini-MRF is a temporary facility while the county and cities consider the necessity of implementing a larger facility. The mini-MRF in operation at this time consists of a single sort line which further processes curbside-separated materials including colored glass, cans and plastics. Prior to this sort line being constructed, these curbside source-separated materials were being sent to a facility in San Jose. Recovery of these materials for tracking diversion progress are considered in the diversion statistics for the curbside collection program. This single sort line is a scaled down version of what is contemplated in the SRRE. The County and cities at this time are conducting an analysis to determine if the larger scale MRF envisioned in the SRRE is necessary.

The Buena Vista Landfill is also an integral part of the Disposal Facility Capacity Component of the SRRE. The Preliminary Draft SRRE lists the Buena Vista Landfill as a significant facility for the county's waste stream. The SRRE indicates the Buena Vista Landfill had a remaining life expectancy of 14.9 years in 1990 according to the permit in place at that time.

According to the Report of Disposal Site Information (RDSI) p.13, in 1993 the site received an average of 426 tons per day; 340 tons per day (123,222 annual tons) for disposal and 86 tons per day diverted to various recycling and reuse programs. Peak days occur weekdays during the summer months and averaged up to 620 tons per day.

The landfill receives waste from the unincorporated portion of the county as well as the Cities of Scotts Valley, Capitola (self-haul only) and Watsonville (self-haul only), as indicated on p.9-1 of the Preliminary Draft SRRE. In the Spring of 1991, following the closure of the Ben Lomond Landfill, Buena Vista began receiving waste from the Ben Lomond Transfer Station. The Ben Lomond Transfer Station receives waste from each of the incorporated cities and the unincorporated portion of the county, although the Public Works Departments of the Cities of Watsonville and Santa Cruz deposit collected waste at their respective landfills, the Santa Cruz City Landfill, and the Watsonville City Landfill.

The RDSI indicates the life expectancy to exceed the year 2019. Therefore, approval of the proposed permit would be consistent with Santa Cruz County's responsibility towards ensuring adequate capacity as required by AB 939.

Based on review of the proposed permit, and in consultation with local jurisdictions, Board staff finds that the proposed permit modification will not prevent or impair the jurisdictions' achievement of AB 939 diversion goals (PRC 44009).

PRC 50000: CONSISTENCY WITH THE CoSWMP

The proposed permit for the Buena Vista Sanitary Landfill is in conformance with the existing County Solid Waste Management Plan (CoSWMP), December 1989. Chapter 7 of the CoSWMP indicates the landfill as having a "projected capacity lifespan of 15-19 years." Also, P.7-44,46 forecast the construction of a MRF at the landfill. The County's Solid Waste Task Force has identified the Buena Vista Landfill and MRF as key elements of the County's long range Integrated Waste Management Plan. The facility is identified in and operates in compliance with the CoSWMP and therefore meets the requirements of PRC 50000.

PRC 50000.5: CONFORMANCE WITH THE GENERAL PLAN

The Buena Vista Landfill is identified in and operates in compliance with the Santa Cruz County General Plan. The facility is identified on Page 7-56 under the Refuse Collection and Disposal Component. Correspondence dated June 22, 1994, from the County of Santa Cruz Planning Department, indicates the Buena Vista Sanitary Landfill conforms to the General Plan and is consistent with surrounding land uses.

If you have any questions related to this matter, please contact Tracey M. Harper at 255-2665.

California Integrated Waste Management Board
Permit Decision No. 94-74
July 27, 1994

WHEREAS, the California Integrated Waste Management Board, Enforcement Agency Section, serving as the Enforcement Agency, has submitted to the Board for its concurrence in, or objection to, a revised Solid Waste Facilities Permit for the Buena Vista Drive Sanitary Landfill, Santa Cruz County; and

WHEREAS, Enforcement Agency Section staff have prepared a proposed permit consistent with standards adopted by the Board; and

WHEREAS, Board staff have evaluated the Buena Vista Drive Sanitary Landfill for compliance with State Minimum Standards for Solid Waste Handling and Disposal and have found the facility design and operation to be consistent with state standards; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the County General Plan and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED, that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 44-AA-0004.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the California Integrated Waste Management Board directs its Executive Director to issue Solid Waste Facility Permit No. 44-AA-0004.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a permit decision duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27, 1994.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee

July 20, 1994

AGENDA ITEM 3

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit (SWFP) for the City of Santa Cruz Class III Sanitary Landfill, Santa Cruz County

BACKGROUND:

Facility Facts

Name: City of Santa Cruz Class III Sanitary Landfill
Facility No. 44-AA-0001

Facility Type: Class III Landfill

Location: 605 Dimeo Lane, Santa Cruz

Area: 100 acres, ~40 acres for disposal

Setting: Surrounding landuse includes open space/park to the north, east and west, with sparse commercial and residential to the south

Operational Status: Active, Permitted

Tonnage: Proposed peak of 400 tons per day (tpd)

Waste Types: Nonhazardous mixed municipal; construction/demolition; commercial & industrial wastes; inerts; dewatered sewage sludge

Volumetric Capacity: Gross remaining air space ~6,200,000yd³
Net solid waste capacity ~4,600,000yd³

Owner/
Operator: City of Santa Cruz Public Works Department
Mr. Larry L. Erwin, Director

Enforcement Agency: California Integrated Waste Management Board

Proposed Project

The proposed SWFP is for changes in design and operation which have occurred since the issuance of the 1978 SWFP, including:

- ▶ Increase in maximum daily tonnage from 99 tpd to 400 tpd;
- ▶ Increase in final elevation from 500 feet mean sea level (msl) to 510 feet msl;
- ▶ Implementation of a hazardous waste exclusion and load checking program, including a temporary storage unit for materials recovered and a responsible party cannot be identified;
- ▶ Construction and operation of a resource recovery and recycling center;
- ▶ Construction and operation of a landfill gas recovery system/cogeneration plant; and
- ▶ Construction and operation of a leachate transport pipeline to the city's wastewater treatment plant and groundwater interceptor trench.

SUMMARY:

Site History

The City of Santa Cruz Class III Sanitary Landfill originated as a burn dump in 1926. Waste was dumped along the east ridge of the property and periodically burned. In the late 1960s, burning was prohibited and the operation of the site was changed to a sanitary landfill. The site received its first SWFP on August 30, 1978. Since the site predated the California Environmental Quality Act (CEQA) no environmental document (e.g., Environmental Impact Report) was completed prior to issuance of the 1978 SWFP. The 1978 SWFP stated that the landfill received an average of 99 tons per day. Originally permitted as a Class II-1 landfill, the facility was allowed to accept tannery waste, a California Hazardous Waste. Tannery waste was disposed in a series of ponds located on the east ridge of the property.

In January 1980 the State Department of Health Services issued a Hazardous Waste Facilities Permit (HWFP) for operation of the site as a Class II disposal site. The HWFP allowed the disposal of tannery sludge. However, in 1985 the Regional Water Quality Control Board (RWQCB), Central Coast Region, reclassified the facility as a Class III landfill and the waste discharge requirements prohibited the disposal of tannery sludge since the

design of the site did not meet newly adopted Subchapter 15 criteria. Since the issuance of the 1985 waste discharge requirements, the facility has not accepted tannery sludge. The facility is operating under Waste Discharge Requirements adopted by the Regional Water Quality Control Board, Central Coast Region, on February 15, 1991.

The HWFP issued by the Department of Health Services (now the Department of Toxic Substances Control (DTSC)) has not been surrendered by the operator nor revoked by the DTSC. In discussion and correspondence with the DTSC staff, DTSC staff have determined that the landfill ceased accepting hazardous waste in 1985, and the continuing operation and monitoring of the landfill is adequately regulated by the RWQCB and this Board. The DTSC has issued a variance to the site for handling chromium contaminated sediments present in previously used (on-site) leachate evaporation ponds.

In September 1993, the City of Santa Cruz completed a Negative Declaration for the Incremental Development and Operation of the City of Santa Cruz Class III Sanitary Landfill From the Existing 1978 Solid Waste Facilities Permit to Present to address design and operational changes at the facility since the issuance of the 1978 SWFP.

Compliance History

There are no on-going violations of state minimum standards at this facility. The former local enforcement agency issued a Notice and Stipulated Order of Compliance in 1991 requiring the operator to revise the SWFP. Concurrence and subsequent issuance of the proposed SWFP will correct permit violations. The facility is operating under two Cease and Desist (C&D) Orders issued by the RWQCB. The C&D Orders require the operator to complete various tasks for the collection and removal of leachate. Attachment 5 is a letter from the RWQCB identifying the facility's compliance with the C&D Orders. The operator has worked with the DTSC to address their concerns with regard to the handling of hazardous materials associated with the old tannery ponds.

Project Description

The City of Santa Cruz Class III Sanitary Landfill is located approximately 3 miles west of the City of Santa Cruz. The surrounding land use is predominately open space along with some commercial and residential south of the landfill. Access to the facility is via Dimeo Lane off State Highway 1.

The facility currently accepts an average of 250 tpd, excluding clean fill which is used as cover material. The landfill is open

to the public from 7:30 a.m. to 3:30 p.m., Monday through Sunday, except certain holidays. City trucks have access to the landfill from 6:30 a.m. to 3:30 p.m.. Spreading, compaction, and cover application activities are completed by 5:00 p.m. each day.

This facility is a canyon fill operation. Current landfilling operations are limited to approximately 40 acres. The City intends to expand landfilling to a new Subtitle D lined waste management unit located within the 100 acres and east of the current landfilling area. This expansion is not being proposed in this SWFP revision since CEQA has not been complied with. The City is working to meet CEQA requirements and will revise the SWFP prior to discharging waste to this area. The east ridge of the facility is home to 11 formerly used leachate evaporation ponds. The sediment from the ponds has been characterized and will be disposed and/or stockpiled in accordance with RWQCB requirements.

A typical operation cycle for this facility is described as follows: Refuse vehicles first proceed to the gate house to be weighed, small vehicles are charged a flat rate. The vehicles are then directed to the unloading area. After the refuse is unloaded, a crawler tractor and/or compactor promptly spreads and compacts the refuse over the inclined slope of the working face. The refuse is spread and compacted in cells which are 15 to 20 feet in height. At the end of the working day, compacted refuse is covered with six inches of soil. The working face is minimized, to the smallest size practical to ensure safe operations and efficient refuse placement.

Environmental Controls

Leachate is collected via a pipe along the canyon floor and discharged to a Class II surface impoundment at the southern toe of the landfill. As required by the RWQCB's Cease and Desist Order No. 92-81, a pipeline was constructed in 1993 to transport leachate directly to the city's wastewater treatment plant. In addition, an interceptor trench has been constructed south of the toe of the landfill to collect potentially impacted groundwater.

The facility is equipped with an active landfill gas control system to control off-site landfill gas migration. The control system consists of a cogeneration plant and 26 extraction wells. The cogeneration plant can produce up to 850 kilowatts, enough energy for 1000 homes. The landfill gas is sold to Pacific Gas and Electric and is presently running at half capacity due to the limited amount of landfill gas.

Since the landfill interrupts the natural flow of Lombardi Creek, the operator is proposing to construct a tunnel system to convey Lombardi Creek around the landfill, in accordance with RWQCB

requirements. Currently, surface runoff from the north and west canyons pond against the landfill, which is then pumped through a series of pipes and discharged back into Lombardi Creek south of the landfill.

Fire control measures include: fire suppression systems in the maintenance facility and household hazardous waste facility; fire extinguishers located around the facility and on heavy equipment; fire clearances/breaks as required by the local fire authority; and use of daily cover.

A dedicated water truck is used for road watering and dust control daily.

The use of daily and intermediate cover, a small active face, and compaction are the vector control measures utilized at this facility. If significant vector activity is observed, pest control specialists will be contacted. Bird control measures consist of the placement of daily cover. The facility is located north of the Pacific Ocean and no complaints have been filed by residents along Dimeo Lane with regard to bird control. There are no airports within five miles of the landfill.

Litter control is performed by facility personnel on an as needed basis. Temporary (portable) litter fences are also used to control litter. Additionally, the active face of the landfill is confined to as small an area as possible and covered daily.

Noise from landfill operations is controlled by mufflers and proper maintenance of all equipment. No noise complaints have been received by this enforcement agency.

Odors are controlled by the use of daily cover and a landfill gas cogeneration plant. Odorous wastes (e.g., dead animals, food wastes) are immediately buried using special handling procedures. No odor complaints have been received by this enforcement agency.

There is a household hazardous waste storage facility located on-site. The storage unit is only used when materials are inadvertently left by the public or observed at the active face and no responsible party is identified. A load checking program has also been implemented at the facility. At regularly scheduled intervals trained facility personnel conduct inspections of incoming loads and require the generator to remove any hazardous materials from the facility. Information is passed onto the generator regarding the county's household hazardous waste collection facilities.

Resource Recovery Program

In addition to the city's curbside collection program, numerous measures for resource recovery are underway at the facility. Clean fill received by outside sources is used as cover material and road base. Tires, white goods, and mattresses are directed to separate unloading areas and removed by a salvager. Tires are collected and stored in the recycling area and hauled off site. White goods are stored in a designated area and baled on site by a contractor approximately every three months. Refrigerants are removed on-site by trained personnel. Other materials collected at the facility on a drop-off basis include paper, glass, metal, cardboard, spent lead acid batteries, and used oil.

ANALYSIS:

Requirements for Concurrence with the SWFP

Pursuant to Public Resources Code (PRC), Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a proposed SWFP. Since the proposed SWFP for this facility was formulated on June 30, 1994, the last day the Board may act is August 29, 1994.

The Board's Enforcement Agency Section, serving as the Enforcement Agency, has prepared a proposed permit, reviewed the supporting documentation, and determined that the permit and supporting documentation are acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan

The Santa Cruz County Planning Department has determined that the facility is identified and described in the 1989 Santa Cruz County Solid Waste Management Plan, pursuant to PRC 50000. Board Governmental and Regulatory Affairs Division, Office of Local Assistance staff agrees with said finding.

2. Consistency with General Plan

The City of Santa Cruz Planning Department has found that the proposed facility is consistent with, and is designated in, the applicable General Plan, pursuant to PRC 50000.5. Board Governmental and Regulatory Affairs Division, Office of Local Assistance staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

Staff of the Board's Governmental and Regulatory Affairs Division, Office of Local Assistance, make an assessment, pursuant to PRC § 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair the City of Santa Cruz from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency.

After reviewing the environmental documentation for the proposed changes, Board staff have determined that CEQA has been complied with.

5. Compliance with State Minimum Standards

The Board's Enforcement Agency Section staff have made the determination that the facility's design and operation are consistent with the State Minimum Standards for Solid Waste Handling and Disposal.

6. Financial Assurance

The City of Santa Cruz has established an acceptable financial mechanism, in the form of an Enterprise Fund to cover the estimated closure and postclosure maintenance costs of this facility. These mechanisms meet the financial assurance requirements of Title 14 of the California Code of Regulations. In addition, based on the data provided by the City of Santa Cruz, the fund balance is adequate.

The City of Santa Cruz submitted a Certificate of Insurance which provides coverage for operating liability. The requirement for operating liability insurance has been satisfied for this facility.

7. Closure and Postclosure Maintenance Plans

The Preliminary Closure and Postclosure Maintenance Plans, dated July 1992 and revisions dated February 16, 1993 were deemed complete and accepted for filing on May 17, 1993.

The operator has addressed Board staff's comments and concerns, however, prior to final approval of the plans, the operator is working to address concerns of the RWQCB regarding slope stability. The operator is working with RWQCB staff to address their concerns.

STAFF RECOMMENDATION:

Because a Revised Solid Waste Facilities Permit is proposed, the Board must either concur in or object to the proposed permit as submitted by the Enforcement Agency.

Staff recommend that the Board adopt Permit Decision No. 94-75 concurring in the issuance of revised Solid Waste Facilities Permit No. 44-AA-0001.

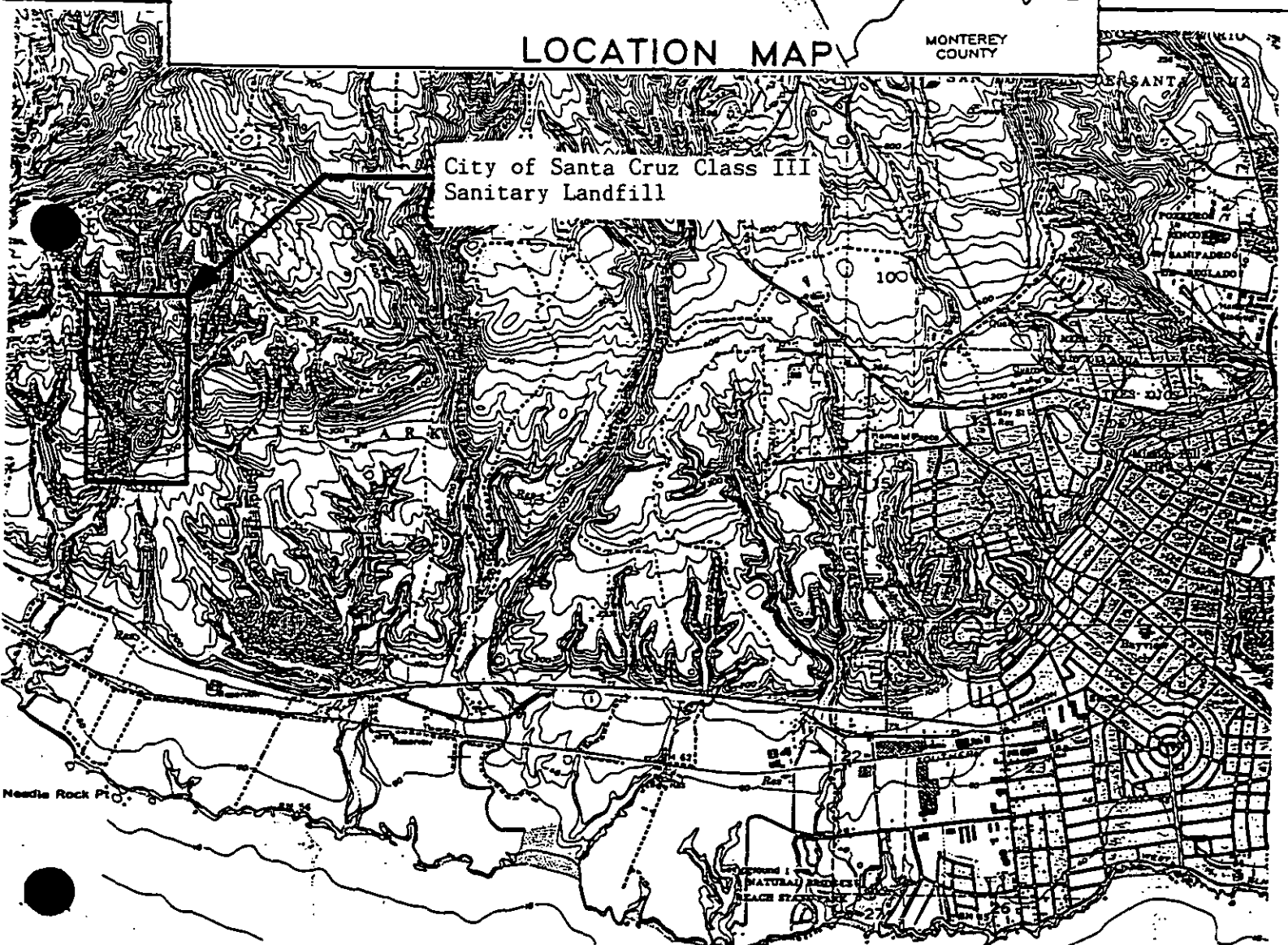
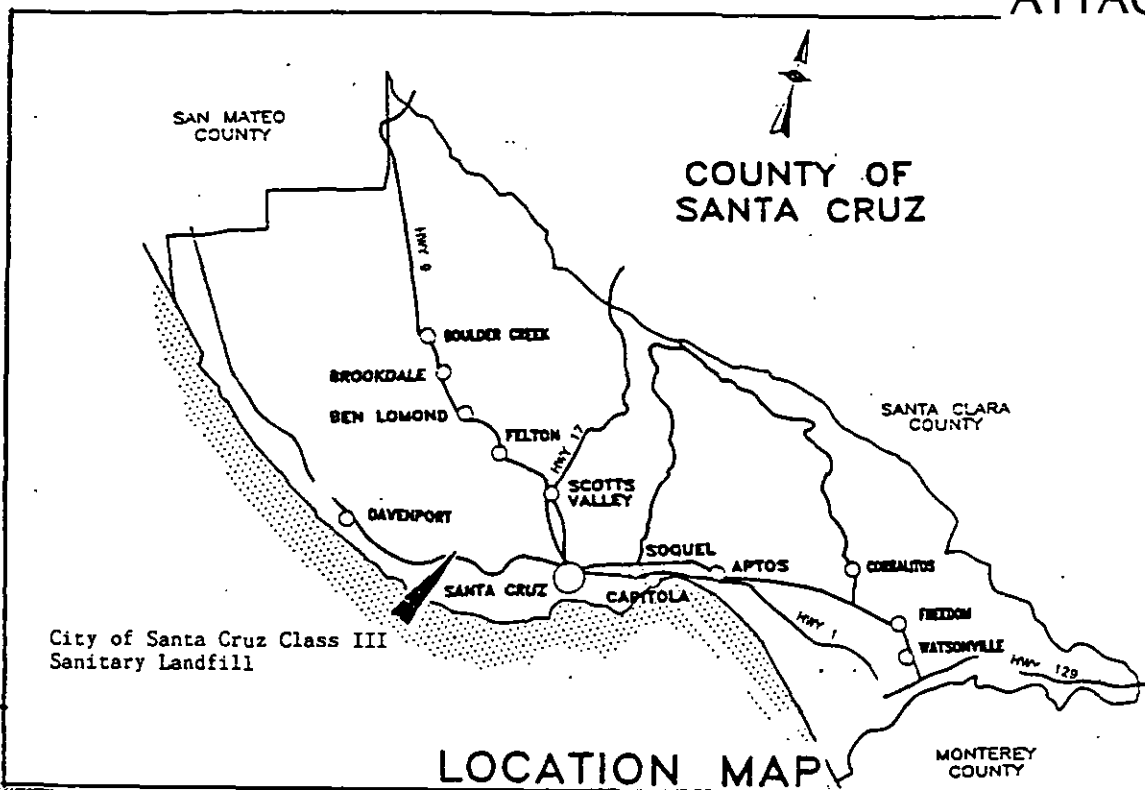
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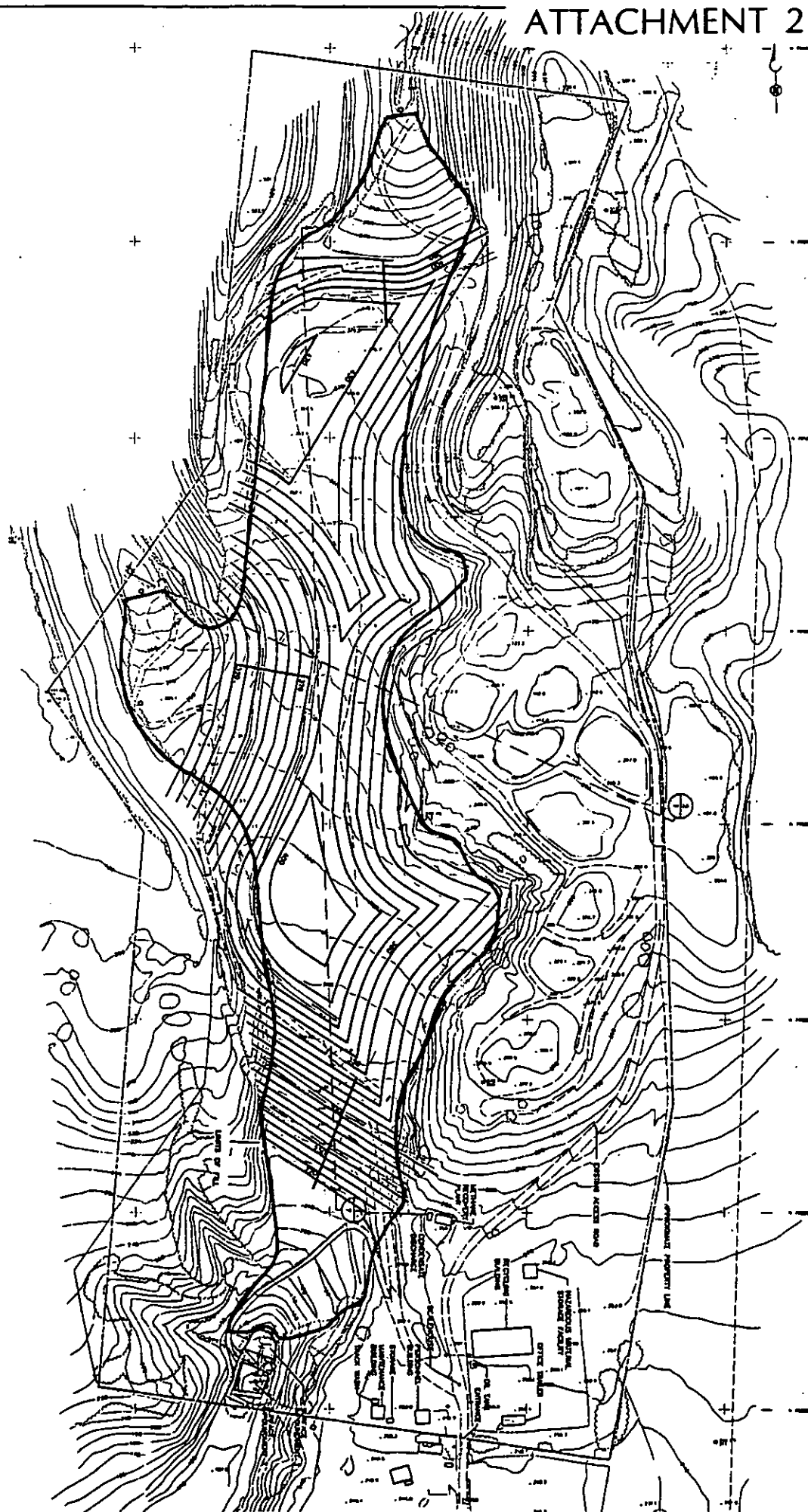
1. Location Map
2. Site Map
3. Permit No. 44-AA-0001
4. AB 2296 Finding of Conformance
5. C&D Order Compliance Letter
6. Permit Decision No. 94-75

Prepared by: Jeff Hackett Phone: 2393

Reviewed by: Sharon Anderson/H. Thomas Unsell Phone: 2379/2298
SA 7.17 OK -

Approved by: Douglas Okumura Phone: 2431
[Signature]





SOLID WASTE FACILITY PERMIT

1. Facility **ATTACHMENT 3****44-AA-0001**

2. Name and Street Address of Facility:

City of Santa Cruz Class III
Sanitary Landfill
605 Dimeo Lane
Santa Cruz, CA 95060

3. Name and Mailing Address of Operator:

City of Santa Cruz
Department of Public Works
809 Center Street, Room 201
Santa Cruz, CA 95060

4. Name and Mailing Address of Owner:

City of Santa Cruz
809 Center Street
Santa Cruz, CA 95060

5. Specifications:

a. Permitted Operations:

- | | |
|---|--|
| <input type="checkbox"/> Composting Facility (mixed wastes) | <input type="checkbox"/> Processing Facility |
| <input type="checkbox"/> Composting Facility (yard waste) | <input type="checkbox"/> Transfer Station |
| <input checked="" type="checkbox"/> Landfill Disposal Site | <input type="checkbox"/> Transformation Facility |
| <input type="checkbox"/> Material Recovery Facility | <input type="checkbox"/> Other: |

b. Permitted Hours of Operation: Monday - Sunday

6:30 a.m. to 3:30 p.m. City Trucks
7:30 a.m. to 3:30 p.m. public hours
3:30 a.m. to 5:00 p.m. cover operations

c. Permitted Tons per Operating Day:

Total: 400 Tons/Day

Non-Hazardous - General	.....not specified (ns).....	Tons/Day
Non-Hazardous - Sludge	.....ns.....	Tons/Day
Non-Hazardous - Separated or commingled recyclables	.....ns.....	Tons/Day
Non-Hazardous - Other (See Section 14 of Permit)	.....N/A.....	Tons/Day
Designated (See Section 14 of Permit)	.....N/A.....	Tons/Day
Hazardous (See Section 14 of Permit)	.....N/A.....	Tons/Day

d. Permitted Traffic Volume:

Total: 228 Vehicles/Day

Incoming waste materials	.....ns.....	Vehicles/Day
Outgoing waste materials (for disposal)	.....N/A.....	Vehicles/Day
Outgoing materials from material recovery operations	.....ns.....	Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing EA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	100 acres	39.6 acres existing footprint				
Remaining Capacity		4,655,200 cu. yd. net waste capacity				
Max. Elevation (Ft. MSL)		510 ft				
Max. Depth (Ft. BGS)		5 ft above highest anticipated groundwater				
Estimated Closure Date		2017				

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Ralph E. Chandler
Executive Director
California Integrated Waste Management Board

7. Enforcement Agency Name & Address:

California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

8. Received by CIWMB:

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

Page 2 of 3

44-AA-0001

12. Legal Description of Facility (attach map with RFI):

Section 17, Township 11 South, Range 2 West, Mount Diablo Base and Meridian. Assessor Parcel Number 59-121-01. The facility is located at the end of Dimeo Lane off State Highway 1

13. Findings:

- a. This facility is identified and described in the 1989 Santa Cruz County Solid Waste Management Plan, pursuant to Public Resources Code, Section 50000.
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board, pursuant to Public Resources Code, Section 44010.
- c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Enforcement Agency.
- d. The City of Santa Cruz Fire Department has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151.
- e. The following environmental documents have been filed: Negative Declaration for the Incremental Development and Operation of the Landfill from 1978 to Present (SCH #93071107), Environmental Impact Report for City of Santa Cruz Landfill Modifications (SCH #87092913), Negative Declaration for Methane Recovery Power Generation Facility (SCH #86120905), and Negative Declaration for Recycling Center Improvements (SCH #87110315).
- f. The landfill currently has programs to divert tires, white goods, and mattresses from land disposal. The facility has a recycling drop off center for a variety of recoverable materials, including used oil, batteries, glass, metal, paper, cardboard, and plastic. A household hazardous waste storage unit is on-site for materials recovered through the load checking program. Improvements to the city's diversion efforts are ongoing.
- g. A County-wide Integrated Waste Management Plan has not been approved by the CIWMB.
- h. The City of Santa Cruz Planning Department has made a determination that the facility is consistent with and designated in the Community Facilities and Services Element of the City of Santa Cruz General Plan as adopted on October 27, 1992, pursuant to Public Resources Code, Section 50000.5(a).
- i. The City of Santa Cruz Planning Department has made a finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b).

14. Prohibitions:

The permittee is prohibited from accepting any liquid waste, sludge, non-hazardous waste requiring special handling, designated waste, untreated medical wastes, radioactive wastes, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits:

- Dewatered Sewage Sludge

15. The following documents describe and/or restrict the operation of this facility (insert document date in space):

	Date		Date
[X] Report of Facility Information	11/93	[X] Prelim. Closure/Post Closure Plan Revisions	07/24/92 02/16/93
[X] Amendments to RFI	04/94	[X] Closure Financial Responsibility Document	09/90
[X] Waste Discharge Requirements Order No. 91-21	02/15/91	[X] Operating Liability Certification	12/93
[X] Air Pollution Permit #5716	09/27/90	[X] EIR- City of Santa Cruz Landfill Modifications (SCH #87092913) Resolution No. NS-19,185	12/89 05/08/90
[] Land Use Permits		[X] Negative Declaration (SCH #93071107) Incremental Development of Landfill from 1978 to Present	09/93
[X] Contract Agreements			
Landfill Gas Lease	12/12/84		
Amendment 1	06/29/88		
Amendment 2	01/11/89		

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

Page 3 of 3

44-AA-0001

Self Monitoring:

a. The reporting frequency for the self-monitoring programs are to be submitted as part of, or in conjunction with, the quarterly monitoring reports as required by the governing waste discharge requirements. Results of all self-monitoring programs shall be reported as follows:

Program	Reporting Frequency	Agency Reported To
Maintain daily records of the types and quantities of municipal solid waste, including separated and commingled recyclables, received each day. Daily records shall be available to the EA upon request. For reporting purposes, the quarterly report shall provide the monthly total, in tons, of each type of waste received during the quarter.	Quarterly	Enforcement Agency
The quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Quarterly	Enforcement Agency
Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.	Quarterly	Enforcement Agency
Maintain daily records of the number and types (commercial vs. public) of vehicles using the facility per day. Daily records shall be available to the EA upon request. For reporting purposes, the quarterly report shall provide the monthly total of the number and types of vehicles using the facility during the quarter.	Quarterly	Enforcement Agency
The results of the load check program.	Quarterly	Enforcement Agency
The results of the landfill gas monitoring program.	Quarterly	Enforcement Agency

17. Enforcement Agency (EA) Conditions:

- This facility shall comply with all federal, state, and local requirements and enactments, including all mitigation measures given in any certified environmental document filed pursuant to Public Resources Code, Section 21031.6
 - The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA at all times.
 - Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame indicated by the EA.
 - This facility has a permitted capacity of 400 tons per day, and shall not receive more than this amount without a revision of this permit.
 - This permit is subject to review by the EA and may be suspended, revoked, or modified at any time for sufficient cause.
 - The EA reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.
- Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change to the EA at least 120 days in advance of the change.

MEMORANDUM

To: Jeff Hackett, AWMS
Enforcement Agency Section
Permitting and Enforcement Division

Date: July 7, 1994

From: Dianne Range
Dianne Range, SWMS
Local Assistance Branch
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: REVIEW OF THE PROPOSED PERMIT MODIFICATION FOR FACILITY
NO. 44-AA-0001, CITY OF SANTA CRUZ CLASS III SANITARY
LANDFILL, SANTA CRUZ COUNTY, FACILITY NO. 44-AA-0001,
FOR CONFORMANCE WITH AB 2296

The proposed permit modification for the City of Santa Cruz Class III Sanitary Landfill, Santa Cruz County, Facility No. 44-AA-0001, involves the following significant changes:

1. An increase in the amount of waste accepted per day from an average of 99 tons per day to an average of 250 tons per day with a maximum of 400 tons per day;
2. Increase in final elevation from 500 feet mean sea level (msl) to 510 feet msl;
3. Implementation of a household hazardous waste exclusion and load checking program, including a temporary storage unit;
4. Construction and operation of a resource recovery recycling center;
5. Construction and operation of a gas recovery system/cogeneration plant; and
6. Construction and operation of a leachate pipeline.

Based on review of materials submitted to the Office of Local Assistance on April 19, 1994, and subsequent, the proposed permit modification conforms with AB 2296 as follows:

1. The permit is consistent with the waste diversion requirements (PRC 44009);
2. The facility is consistent with the Santa Cruz County Solid Waste Management Plan (CoSWMP) (PRC 50000); and
3. The facility is in conformance with the Santa Cruz County General Plan (PRC 50000.5).

PRC 44009: WASTE DIVERSION REQUIREMENTS

The Preliminary Source Reduction and Recycling Element (SRRE) for Unincorporated Portion of Santa Cruz County and the incorporated Cities within the County, forecast the City of Santa Cruz achieving the mandated diversion goals.

The Santa Cruz City Landfill receives waste exclusively from the City of Santa Cruz. The landfill had a permitted capacity of 6,013,000 cubic yards with 3,963,380 cubic yards remaining as of July 1990. The estimated life of the site at that time was 20 years.

According to the Recycling Component of the SRRE, all single family and 1-4 unit residences receive curbside collection service. The SRRE calls for further expanding the source separation and collection program to other waste generators.

P.32 the Report of Disposal Site Information (RDSI), describes the recycling operation which is consistent with the discussion contained in Chapter 7 of the 1989 CoSWMP. All curbside recyclables are taken to the recycling center located at the landfill for processing.

According to P. 3 of the RDSI, in 1993 an average of 216 tons per day (78,119 tons annually) was deposited in the landfill with approximately 7,035 tons annually being received at the Recycling Center. As of July 1992, based upon an estimated annual disposal rate of approximately 169,000 cubic yards per year, the City of Santa Cruz's site life was estimated to be 24 years. Based upon this analysis, it was estimated that the City will exhaust its landfill capacity during the year 2017.

The implementation of a resource recovery facility at the landfill is consistent with both the SRRE and the CoSWMP. Issuance of the proposed permit would assist the City of Santa Cruz in their ability to meet the AB 939 diversion goals. Based on review of the proposed permit, and in consultation with local jurisdictions, Board staff finds that the proposed permit modification will not prevent or impair the jurisdictions' achievement of AB 939 diversion goals (PRC 44009);

PRC 50000: CONSISTENCY WITH THE CoSWMP

The proposed permit for the City of Santa Cruz Sanitary Landfill is in conformance with the existing County Solid Waste Management Plan (CoSWMP), December 1989. The facility is identified in and operates in compliance with the CoSWMP and therefore meets the requirements of PRC 50000.

PRC 50000.5: CONFORMANCE WITH THE GENERAL PLAN

The City of Santa Cruz Landfill is identified in and operates in compliance with the City of Santa Cruz General Plan. Correspondence dated July 5, 1994, from the City of Santa Cruz Planning and Community Development Department, indicates the proposed changes to the City of Santa Cruz Landfill conforms to the General Plan and is consistent with surrounding land uses.

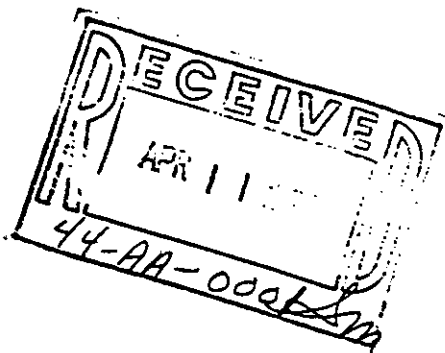
If you have any questions related to this matter, please contact Tracey M. Harper at 255-2665.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD —
CENTRAL COAST REGION

HIGUERA STREET, SUITE 200
LUIS OBISPO, CA 93401-5414
(805) 549-3147



April 7, 1994



Mr. Jeff Hackett
Waste Management Specialist
CA Integrated Waste Management Board
Compliance Division
8800 Cal Center Drive
Sacramento, CA 95826

Dear Mr. Hackett:

**SANTA CRUZ CITY LANDFILL COMPLIANCE WITH CEASE AND DESIST ORDERS
(CDO) NO. 93-100 AND 92-81**

City of Santa Cruz staff has indicated the California Integrated Waste Management Board (Waste Board) needs a letter from the Regional Water Quality Control Board about the facility's compliance with the Cease and Desist Orders. We understand this letter is needed by the Waste Board to evaluate the Facility Permit. At the public hearing where the Board considered adoption of Cease and Desist Order (CDO) No. 93-100, compliance history with CDO No. 92-81 was reviewed. We have attached our staff report and an overhead presented to the Board at that hearing. The overhead copy shows compliance with all but the last two tasks.

CDO No. 93-100 granted a year extension for closure of the leachate ponds to allow a decision scheduled for December, 1993 from Department of Toxic Substances Control (DTSC) regarding the classification of residual impoundment soils containing chromium. As yet, no DTSC decision has been made. Also, the pond closure task was extended by CDO No. 93-100 until October 15, 1994.

As for the last task, we are aware the City of Santa Cruz has consultants working on the design of a dewatering system for the two canyons upgradient of the landfill. We understand a tunnel design has been selected and construction should begin soon after Board's staff has a chance to review the design.

FACILITY FILE CARBON COPY
ORIGINAL TO FILE # 44-AA-0001
SUBMITTED BY AM DATE 4/12/94
COPY TO LEA/EA SA/JH
COPY TO _____
COPY TO _____

Mr. Jeff Hackett

-2-

April 7, 1994

If you have any questions, please call Lou Blanck at (805) 542-4626 or Jay Cano at (805) 549-3699 between 8:00 a.m. and 10:00 a.m. and 1:00 p.m. and 5:00 p.m., Monday through Friday.

Sincerely,



ROGER W. BRIGGS
Acting Executive Officer

LB:sg

ATTACHMENTS: 1. CDO 93-100
2. Staff Report
3. Overhead from September 10, 1993 Board Meeting

cc: Mr. Larry Erwin, Director
Santa Cruz City DPW
City Hall Annex
809 Center St., Rm. 201
Santa Cruz, CA 95060

Jennifer Soloway
SWRCB-OCC
901 P Street
Sacramento, CA 95812-0100

Fran Vitulli
SWRCB-OLPA
901 P Street
Sacramento, CA 95812-0100

Penny Niland, Sr. Proj. Mgr.
Brown and Caldwell
3480 Buskirk Avenue
Walnut Creek, CA 94596

John Benjamin, Attorney
LEBOEUF, LAMB, LEIBY & MACRAE
One Embarcadero Center
San Francisco, CA 94111

Lowell Rau
Santa Cruz Co. Env. Health
701 Ocean Street
Santa Cruz, CA 95060

Bill Carter
Cal EPA
Asst. Secretary for Law
Enforcement and Counsel
555 Capitol Mall, Suite 235
Sacramento, CA 95814

Charlene F. Williams
Acting Director
DTSC Facility Permitting Branch
700 Heinz Ave., Suite 200
Berkeley, CA 94710

ACTUALLY FILED CARSON COPY

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Overhead presented to Central Coast Regional Water
Quality Control Board at its regularly scheduled
September 10, 1993 Board Meeting

CDO No. 92-81

June 12, 1992

A. COMPLIANCE SCHEDULE:

<u>Task</u>	<u>Due Date</u>
1. Submit complete ROWD submittal to Regional Board office (as required by Article 5, Chapter 15).	June 30, 1992 ✓
2. Submit complete Closure and Post Closure Maintenance Plan for the Landfill (as defined in CCR Title 14).	June 30, 1992 ✓
3. Submit interim pond stabilization plan, for Ponds 1 and 2, together with a dust suppression plan for all ponds prior to final closure.	June 30, 1992 ✓
4. Submit an updated Design Report (as specified in WDR No. 91-21, Provision D.22.).	July 24, 1992 ✓
5. Submit plan for permanent Stormwater drainage improvements.	July 24, 1992 ✓
6. Begin "Stage I" project construction (where Stage I project is as defined in WDR No. 91-21).	Sept. 15, 1992 ✓
7. Complete approved stormwater drainage plan improvements.	October 15, 1992 ✓
8. Complete interim pond stabilization of Ponds 1 and 2 (shown on the Attachment) in accordance with approved Plan from Task 3.	October 15, 1992 ✓
9. Complete pipeline to transport leachate to the WWTP using the existing pump station.	November 30, 1992 ✓
10. Begin and continue pumping leachate through the pipeline to the WWTP.	November 30, 1992 ✓
11. Complete Stage I project.	April 15, 1993 ✓
12. Submit Pond Closure and Postclosure Maintenance Plan for Ponds 1 through 11 in accordance with CCR, Titles 22 and 23.	May 1, 1993 ✓
13. Complete closure of all 11 ponds (as shown on the Attachment) in accordance with CCR, Titles 22 and 23.	October 15, 1993 → 10/15/94
14. Complete Stage II tunnel project, as defined in WDR No. 91-21.	November 1, 1994

**Proposals
Submitted**

California Integrated Waste Management Board
Permit Decision No. 94-75
July 27, 1994

WHEREAS, the California Integrated Waste Management Board, Enforcement Agency Section, serving as the Enforcement Agency, has submitted to the Board for its concurrence in, or objection to, a revised Solid Waste Facilities Permit for the City of Santa Cruz Class III Sanitary Landfill, Santa Cruz County; and

WHEREAS, Enforcement Agency Section staff have prepared a proposed permit consistent with standards adopted by the Board; and

WHEREAS, Board staff have evaluated the City of Santa Cruz Class III Sanitary Landfill for compliance with State Minimum Standards for Solid Waste Handling and Disposal and have found the facility design and operation to be consistent with state standards; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the County General Plan and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED, that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 44-AA-0001.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the California Integrated Waste Management Board directs its Executive Director to issue Solid Waste Facility Permit No. 44-AA-0001.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a permit decision duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27, 1994.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 20, 1994

AGENDA ITEM 4

ITEM: Consideration of the Temporary Certifications and Designation Approvals of the Local Enforcement Agencies for the County of Glenn, the County of Trinity, and the County of Del Norte.

BACKGROUND:

The Public Resources Code (PRC) allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction. Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute. The EPP shall embody the designation and certification requirements and demonstrate that the Local Enforcement Agency (LEA) meets all the requirements for the requested certifications. PRC Section 43204 states: "No enforcement agency may exercise the powers and duties of an enforcement agency until the designation is approved by the Board. After August 1, 1992, the Board shall not approve a designation unless it finds that the designated enforcement agency is capable of fulfilling its responsibilities under the enforcement program and meets the certification requirements adopted by the Board pursuant to PRC Section 43200."

For a local agency to have its designation as an enforcement agency approved by the Board, the enforcement agency must meet at least the following minimum requirements of statute and regulation:

1. Technical expertise.
2. Adequate staff resources.
3. Adequate budget resources.
4. Adequate training.
5. The existence of at least one permitted solid waste facility within the jurisdiction of the local agency or a proposed facility for which an environmental impact report or negative declaration has been prepared and certified, or for which a conditional use permit has been issued.
6. No operational involvement in any of the types of facilities or sites it permits, inspects or enforces.
7. A sole enforcement agency per LEA jurisdiction.

The Board, after approval of the EPP, may issue certifications to the designated enforcement agency per Title 14 California Code of Regulations (14 CCR) Section 18071 for one or more of the following types of duties and responsibilities:

"A": Permitting, inspection and enforcement of regulations at solid waste disposal sites

- "B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities
- "C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities
- "D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

Therefore, to establish an LEA, the Board is required by statutes and regulations to approve the enforcement agency's EPP, to issue certification(s), and approve the designation of the enforcement agency pursuant to PRC 43204.

ANALYSIS:

On January 27, 1993, the Board approved the EPP for the contract jurisdiction of the Counties of Glenn, Trinity, and Del Norte and issued certification types "A", "B", "C", & "D" to the Glenn County Health Services Department (Board Resolution No. 93-08). The designations of enforcement agencies for the Counties of Glenn, Trinity, and Del Norte were also approved in this Board resolution. In January of 1994, Board staff were notified that these three counties intended to establish LEA staffing as provided for in recent statutory changes which would allow jurisdictions with populations of less 50,000 (per AB 457 of 1993) to have less than one full time staff person reflecting the workload analysis for the jurisdiction. In April and May of 1994, the designated enforcement agencies in Glenn, Trinity, and Del Norte Counties submitted three separate EPPs reflecting less than full time staff for each jurisdiction. After receipt of additional information from the enforcement agencies in June and July, 1994, Board staff found that the documentation provided in the Designation Information Packages (DIPs) and EPPs met the requirements of statute and regulation.

Board staff find that the DIPs and EPPs are complete and acceptable for the Board to consider the approval of EPPs, issuance of the requested certification (Types A, B, C, & D), and approvals of the designations of the Glenn County Health Services Department, Trinity County Department of Health and Human Services, Health Services Section, and Del Norte County Health Department, as the respective Local Enforcement Agency for the County of Glenn, the County of Trinity, and the County of Del Norte (see attachments #1, 3 and 5 for detailed information). Consistent with the requirements of the revised 14 CCR Sections 18072 and 18073 as approved by the Board on May 25, 1994, temporary certifications are to be issued to enforcement agencies with less than one full time staff person. Board staff have identified a twelve month temporary certification for these three enforcement agencies due to the agencies' established enforcement experience. Prior to issuing full certification, Board staff will conduct a performance review to assess the LEA's

implementation and effectiveness in their permitting, inspection, and enforcement programs.

STAFF COMMENTS:

Board staff concur with the proposed EPPs, the issuance of temporary certifications for the requested certification types and approvals of the designations.

The following options for each jurisdiction are identified for consideration :

1. Approve the EPPs, issue temporary certifications, and approve the designations for the jurisdictions.
2. Disapprove the EPP and/or not issue temporary certifications and therefore, disapprove the designations and appoint the Board as the enforcement agency in the jurisdictions.
3. Take no action. This option provides for no local enforcement agency designations, and the Board would be the enforcement agency for each jurisdiction by default as required by the statute.

ATTACHMENTS:

1. A Designation and Certification Fact Sheet for the County of Glenn.
2. A CIWMB resolution issuing temporary certifications to the Glenn County Health Services Department for the County of Glenn.
3. A Designation and Certification Fact Sheet for the County of Trinity.
4. A CIWMB resolution issuing temporary certifications to the Trinity County Department of Health and Human Services, Health Services Section for the County of Trinity.
5. A Designation and Certification Fact Sheet for the County of Del Norte.
6. A CIWMB resolution issuing temporary certifications to the Del Norte County Health Department for the County of Del Norte.

Prepared by: Jeff Watson Phone 255-2403

Reviewed by: Mary Coyle/H. Thomas Unsell Phone 255-2298

Approved by: Douglas Okumura Phone 255-2285

**DESIGNATION AND CERTIFICATION
FACT SHEET**

County of Glenn

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Glenn County Board of Supervisors
City of Orland City Council
City of Willows City Council

Designated Jurisdiction:

County of Glenn

Designated Enforcement Agency:

Glenn County Health Services Department

Facilities and Sites: Total count ----- 25*

Vehicles: Total count ----- 8*

Facility Types:
Landfill(s) ----- 1*

Site Types:
"Closed" site(s) ----- 14*
"Exempt" site(s) ----- 10*

Types of Certification requested: "A, B, C, & D"*

Budget Adequacy: (Total Annual Budget) ----- \$30,408*

Technical Expertise and Staff Adequacy:

- One Supervising Environmental Health Specialist
- One Environmental Health Specialist
- Legal Support
- Engineering Support
- Clerical Support

EPP work load analysis shows .3 PY-accounted for by one core staff.

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 94-130

July 27-28, 1994

Resolution approving the Enforcement Program Plan, issuing temporary certification and approving the designation of the Glenn County Health Services Department as the Local Enforcement Agency for the County of Glenn.

WHEREAS, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute; and

WHEREAS, the Glenn County Board of Supervisors has designated the above local agency and has requested Board approval of their designation; and

WHEREAS, the California Integrated Waste Management Board has received on April 13, 1994 and reviewed the proposed Enforcement Program Plan for the County of Glenn; and

WHEREAS, the Board finds that the above designated enforcement agency has demonstrated, via its amended Enforcement Program Plan as of July, 1994 that it meets the requirements of Public Resources Code Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Glenn County Enforcement Program Plan adequately addresses the requirements of the revised Title 14 California Code of Regulations Sections 18072 and 18073 as approved by the Board on May 25, 1994; and

WHEREAS, the Enforcement Program Plan of the Glenn County Health Services Department requires the Board to approve the Enforcement Program Plan and issue certification types "A", "B", "C", & "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

WHEREAS, the Glenn County Health Services Department has adopted its Enforcement Program Plan pursuant to Public Resources Code Section 43209; and

NOW, THEREFORE, BE IT RESOLVED, the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, approves the Enforcement Program Plan and designation and issues temporary certification for types "A", "C", "B", & "D" to the Glenn County Health Services Department as the solid waste local enforcement agency for the County of Glenn.

BE IT FURTHER RESOLVED, that the Glenn County Health Services Department shall be issued full certification within approximately twelve months upon confirmation of compliance with Title 14, California Code of Regulations, Chapter 5, Article 2.2.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27-28, 1994.

Date:

Ralph E. Chandler
Executive Director

**DESIGNATION AND CERTIFICATION
FACT SHEET**

County of Trinity

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

County of Trinity Board of Supervisors

Designated Jurisdiction:

County of Trinity

Designated Enforcement Agency:

Trinity County Department of Health and Human Services,
Health Services Section

Facilities and Sites: Total count ----- 31*

Vehicles: Total count ----- 8*

Facility Types:

Landfill(s) ----- 1*
Transfer Station(s) ----- 8*

Site Types:

"Closed" site(s) ----- 14*
"Exempt" site(s) ----- 5*
"Illegal" site(s) ----- 2*
"Inactive" site(s) ----- 1*

Types of Certification requested: "A, B, C, & D"*

Budget Adequacy: (Total Annual Budget) ----- \$40,808*

Technical Expertise and Staff Adequacy:

- One Supervising Environmental Health Specialist
- One Environmental Health Specialist
- Legal Support
- Engineering Support
- Clerical Support

EPP work load analysis shows .5 PY-accounted for by one core staff.

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 94-131

July 27-28, 1994

Resolution approving the Enforcement Program Plan, issuing temporary certification and approving the designation of the Trinity County Department of Health and Human Services, Health Services Section as the Local Enforcement Agency for the County of Trinity.

WHEREAS, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute; and

WHEREAS, the County of Trinity Board of Supervisors has designated the above local agency and has requested Board approval of their designation; and

WHEREAS, the California Integrated Waste Management Board has received on April 25, 1994 and reviewed the proposed Enforcement Program Plan for the County of Trinity; and

WHEREAS, the Board finds that the above designated enforcement agency has demonstrated, via its amended Enforcement Program Plan as of June, 1994 that it meets the requirements of Public Resources Code Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Trinity County Enforcement Program Plan adequately addresses the requirements of the revised Title 14 California Code of Regulations Sections 18072 and 18073 as approved by the Board on May 25, 1994; and

WHEREAS, the Enforcement Program Plan of the Trinity County Department of Health and Human Services, Health Services Section requests the Board to approve the Enforcement Program Plan and issue certification types "A", "B", "C", & "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

WHEREAS, the Trinity County Department of Health and Human Services, Health Services Section has adopted its Enforcement Program Plan pursuant to Public Resources Code Section 43209; and

NOW, THEREFORE, BE IT RESOLVED, the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, approves the Enforcement Program Plan and designation and issues temporary certification for types "A", "C", "B", & "D" to the Trinity County Department of Health and Human Services, Health Services Section as the solid waste local enforcement agency for the County of Trinity.

BE IT FURTHER RESOLVED, that the Trinity County Department of Health and Human Services, Health Services Section shall be issued full certification within approximately twelve months upon confirmation of compliance with Title 14, California Code of Regulations, Chapter 5, Article 2.2.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27-28, 1994.

Date:

Ralph E. Chandler
Executive Director

**DESIGNATION AND CERTIFICATION
FACT SHEET**

County of Del Norte

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

County of Del Norte Board of Supervisors
City Council of the City of Crescent City

Designated Jurisdiction:

County of Del Norte

Designated Enforcement Agency:

Del Norte County Health Department

Facilities and Sites: Total count ----- 16*

Vehicles: Total count ----- 5*

Facility Types:

Landfill(s) ----- 1*
Transfer Station(s) ----- 2*

Site Types:

"Closed" site(s) ----- 12*
"Illegal" site(s) ----- 1*

Types of Certification requested: "A, B, C, & D"*

Budget Adequacy: (Total Annual Budget) ----- \$35,008*

Technical Expertise and Staff Adequacy:

- One Supervising Environmental Health Specialist
- One Environmental Health Specialist
- Legal Support
- Engineering Support
- Clerical Support

EPP work load analysis shows .4 PY-accounted for by one core staff.

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 94-132

July 27-28, 1994

Resolution approving the Enforcement Program Plan, issuing temporary certification and approving the designation of the Del Norte County Health Department as the Local Enforcement Agency for the County of Del Norte.

WHEREAS, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute; and

WHEREAS, the County of Del Norte Board of Supervisors has designated the above local agency and has requested Board approval of their designation; and

WHEREAS, the California Integrated Waste Management Board has received on May 2, 1994 and reviewed the proposed Enforcement Program Plan for the County of Del Norte; and

WHEREAS, the Board finds that the above designated enforcement agency has demonstrated, via its amended Enforcement Program Plan as of June, 1994 that it meets the requirements of Public Resources Code Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the County of Del Norte Enforcement Program Plan adequately addresses the requirements of the revised Title 14 California Code of Regulations Sections 18072 and 18073 as approved by the Board on May 25, 1994; and

WHEREAS, the Enforcement Program Plan of the Del Norte County Health Department requests the Board to approve the Enforcement Program Plan and issue certification types "A", "B", "C", & "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

WHEREAS, the Del Norte County Health Department has adopted its Enforcement Program Plan pursuant to Public Resources Code Section 43209; and

NOW, THEREFORE, BE IT RESOLVED, the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, approves the Enforcement Program Plan and designation and issues temporary certification for types "A", "C", "B", & "D" to the Del Norte County Health Department as the solid waste local enforcement agency for the County of Del Norte.

BE IT FURTHER RESOLVED, that the Del Norte County Health Department shall be issued full certification within approximately twelve months upon confirmation of compliance with Title 14, California Code of Regulations, Chapter 5, Article 2.2.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27-28, 1994.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 20, 1994

AGENDA ITEM 5

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit (SWFP) for the Ponderosa Landfill, Yuba County

BACKGROUND:

Facility Facts

Name: Ponderosa Landfill
Facility No. 58-AA-0002

Facility Type: Class III Landfill

Location: Jiggs Road, off Ponderosa Way, Brownsville,
30 miles northeast of Marysville

Area: 40 acres total / 10 acres disposal

Setting: Rural forested foothills

Status: Inactive, ceased accepting waste on 3/31/92

Postclosure Use: Transfer Station / Open Space

Tonnage: N/A (10 TPD average while active)

Capacity: Approximately 30,000 tons in place

Operator: Yuba County Public Works Department
Contact: Jim Burcham

Owner: U.S. Department of the Interior,
Bureau of Land Management (BLM)

LEA: Yuba County Environmental Health Department,
Patrick Gavigan, Director

Proposed Project: Closure and Postclosure Maintenance of an
inactive landfill.

SUMMARY:

Site History This site accepted non-hazardous residential waste from 1967 to 1992. In anticipation of closure of the landfill, the LEA issued permit No. 58-AA-0010 on August 12, 1991, for operation of a transfer station near the landfill entrance.

The transfer station began operation when the landfill ceased accepting waste on March 31, 1992.

The SWAT report submitted to the Central Valley Regional Water Quality Control Board (CVRWQCB) in June of 1993 concluded that the landfill has impacted groundwater. The CVRWQCB adopted revised Waste Discharge Requirements (WDRs), Order No. 93-117, on August 5, 1993, and the operator is working with the CVRWQCB to implement the required evaluation monitoring program.

Project Description The Ponderosa Landfill is located one mile southwest of the community of Brownsville (elevation 2,300 feet), in the foothills of east Yuba County, 30 miles northeast of Marysville (Please see attachment 1). Adjacent land uses consist of woodland open space.

The site consists of two discreet disposal cells. The northern unit comprises approximately 3 acres and was operated as a burn dump from 1967 to 1973. The southern unit consists of approximately 5 acres and operated as a sanitary landfill from 1973 to 1992 (Please see Attachment 2). To date, the majority of the site has received a one foot layer of intermediate cover.

The Ponderosa Transfer Station (58-AA-0010) is located on the same 40 acre parcel, 75 feet west of the southern most disposal cell.

The Final Closure Plan states that closure related activities will commence in July of 1994 and will be completed by November of 1994.

Environmental Controls Site environmental controls are described in the Final Closure and Postclosure Maintenance Plan and are summarized below:

Dust generated during closure operations will be controlled by grading and watering haul roads as needed and watering soil cover work areas.

Odors will be controlled by placement and maintenance of final cover.

Landfill gas will be monitored at probes installed near the transfer station. If initial monitoring does not reveal migration of landfill gas, Board staff will consider an exemption from perimeter landfill gas monitoring requirements.

Leachate: Ponderosa Landfill has no base liner and no leachate collection and removal system. The final closure plan states that installation of the final cover will control the amount of

infiltration through the refuse and help to limit the amount of leachate produced over the postclosure maintenance period. Five ground water monitoring wells were installed in 1991.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on June 7, 1994, the last day the Board may act is August 6, 1994.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan (PRC 50000)

Because this is not a new or expanded facility, a finding of conformance with the County Solid Waste Management Plan is not required.

2. Consistency with General Plan (PRC 50000)

Because this is not a new or expanded facility, a finding of conformance with the General Plan is not required.

3. Consistency with Waste Diversion Requirements (PRC 44009)

Because this is not a new or expanded facility, staff of the Board's Governmental and Regulatory Affairs Division have not made an assessment to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The Yuba County Planning and Building Services Department prepared a Negative Declaration (ND) (SCH# 92012027) for the proposed project. The ND was certified as approved by the lead agency on November 9, 1993, and a Notice of Determination was filed by the lead agency on December 29, 1993.

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with, and that the Environmental Impact Report is adequate and appropriate for the Board's use in evaluating the proposed permit.

5. Compliance with State Minimum Standards

Board and LEA staff have determined that the landfill is currently not in violation of State Minimum Standards for Solid Waste Handling and Disposal.

6. Financial Mechanism The operator has established an enterprise fund and pledge of revenue agreement as the financial assurance mechanism for closure and postclosure maintenance of the landfill. The Board's Financial Assurances Section evaluated financial documentation submitted by the operator and determined on February 7, 1994 that the mechanisms meet the requirements of Title 14, California Code of Regulations (CCR), Section 18285 and 18290 respectively. Board staff also determined that the fund balance is at an acceptable level.

7. Compliance with Closure and Postclosure Requirements

The Board approved the closure and postclosure maintenance plans on June 28, 1994. The plans were previously approved by the LEA on May 12, 1994, and by the RWQCB on June 10, 1994.

STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 94-67 concurring in the issuance of Solid Waste Facilities Permit No. 58-AA-0002.

ATTACHMENTS:

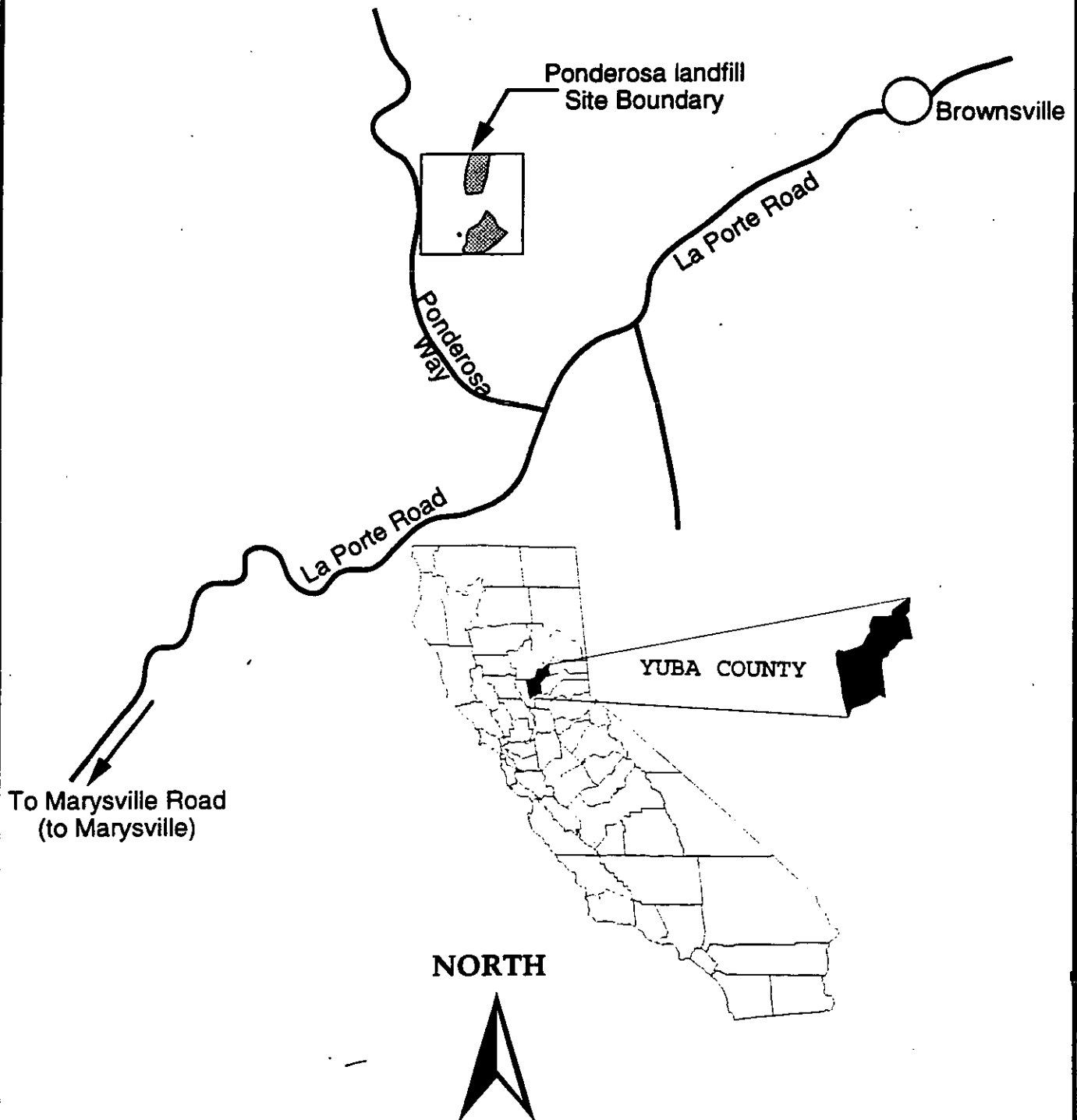
1. Location Map
2. Site Map
3. Proposed Permit No. 58-AA-0002
4. Permit Decision No. 94-67

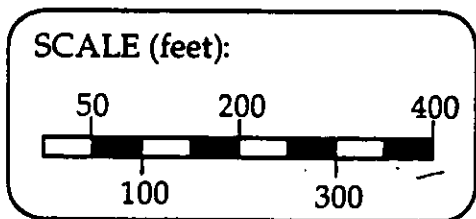
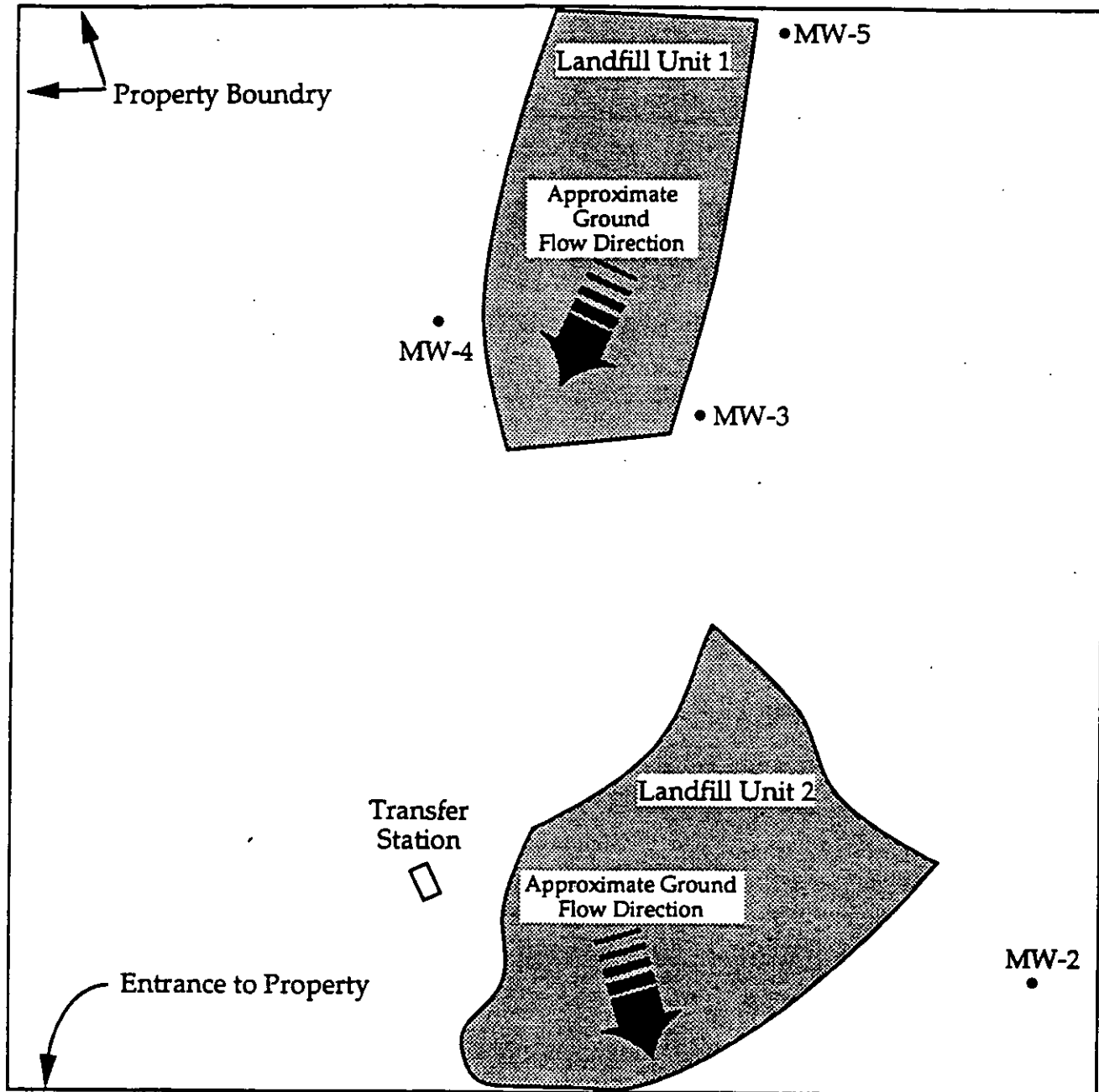
Prepared by: Jon Whitehill *Jon W.* Phone: 255-2338

Reviewed by: Don Dier Jr./Cody Begley *C.B.* Phone: 255-2453

Approved by: Douglas Okumura *DO 7-11-94* Phone: 255-2431

ATTACHMENT 1





NORTH



SITE MAP

Ponderosa Landfill

(Yuba County Department of
Public Works and Bureau of Land
Management, Folsom Resources Area)

• Monitoring Well

SOLID WASTE FACILITY PERMIT

ATTACHMENT 3

2. Name and Street Address of Facility: Ponderosa Landfill Jiggs Road, Off Ponderosa Way Brownsville, CA	3. Name and Mailing Address of Operator: Yuba County Public Works Dept. 938 14th Street Marysville, CA 95901	4. Name & Mailing Address of Owner: Department of the Interior Bureau of Land Management Folsom Resource Area 63 Natoma Street Folsom, CA 95630 - 2697
--	--	--

5. Specifications:

- a. Permitted Operations:**
- | | |
|---|--|
| <input type="checkbox"/> Composting Facility (mixed wastes) | <input type="checkbox"/> Processing Facility |
| <input type="checkbox"/> Composting Facility (yard waste) | <input type="checkbox"/> Transfer Station |
| <input type="checkbox"/> Landfill Disposal Site | <input type="checkbox"/> Transformation Facility |
| <input type="checkbox"/> Material Recovery Facility | <input checked="" type="checkbox"/> Other: Closed landfill disposal site |

b. Permitted Hours of Operation: N/A

c. Average Permitted Tons per Operating Day: N/A

d. Permitted Traffic Volume: N/A

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	40 a	<10 a	1.25 a	N/A a	N/A a	N/A
In-Place Volume		100,000 cy	64 tpd	N/A tpd	N/A tpd	N/A tpd
Max. Elevation (Ft. MSL)		2380.0 ft				
Max. Depth (Ft. BGS)		20 ft				
Estimated Closure Date		April 1992				

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid.

Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The

attached permit findings and conditions are integral parts of this permit and supercede the conditions of any previously issued solid waste

facility permits.

6. Approval: _____ Approving Officer Signature Patrick J. Gavigan, Environmental Health Director Name/Title	7. Enforcement Agency Name and address Yuba/Sutter LEA Yuba County Environmental Health Department 938 14th Street Marysville, CA 95901
8. Received by CIWMB: JUN 7 1994	9. CIWMB Concurrence Date:
10. Permit Review Due Date:	11. Permit Issued Date:

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

SWIS NO. 58-AA-0002

2. Legal Description of Facility:

Sec., 34, T., 19N, R.6E., & MDBM

3. Findings:

- a. This permit is consistent with the Bi-County Integrated Waste Management Plan. Public Resources Code, Section 50001.
- b. This permit is consistent with the standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.
- d. The California Department of Forestry has set fire protection parameters for the Ponderosa Transfer Station, within the site boundary of this facility, these requirements include a holding tank with capacity of 200 gpm for 20 minutes and a 1 1/2 diameter fire hose.
- e. A Notice of Determination - Negative Declaration was filed with the State Clearinghouse, No. Sch 92012027. A copy of the Notice of Determination was filed at the Yuba County Clerk Recorder, December 29, 1993.
- f. The Yuba/Sutter Bi-County Integrated Waste Management Plan has not yet received approval from the California Integrated Waste Management Board. The Source Reduction and Recycling Element along with the Household Hazardous Waste Element have been submitted to the board for approval. The Countywide/Regional Siting Element and Non-Disposal Facility Element (NDFE) are due June 30, 1994 and August 31, 1994 respectively.

4. Prohibitions:

The permittee is prohibited from the following items:

- a. Disposing of any solid waste at the Ponderosa Landfill site, waste may be accepted at the Ponderosa Transfer Station.
- b. Allowing ponded water on the fill areas.

5. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

	Date:		Date:
<input type="checkbox"/> Report of Facility Information		<input checked="" type="checkbox"/> Contract Agreements - operator	July 1990
<input type="checkbox"/> Land Use Permits and Conditional Use Permits		<input checked="" type="checkbox"/> Waste Discharge Requirements No. 93-117	Aug. 13, 1993
<input type="checkbox"/> Air Pollution Permits and Variances		<input type="checkbox"/> Local & County Ordinances	
<input checked="" type="checkbox"/> EIR or Negative Declaration	December 30, 1991	<input checked="" type="checkbox"/> Final Closure & Post Closure Maintenance Plan	Sept. 3, 1993
<input checked="" type="checkbox"/> Lease Agreements - BLM Recreation or Public Purposes Lease	March 1968	<input type="checkbox"/> Amendments to RFI	
<input type="checkbox"/> Preliminary Closure Post Closure Plan		<input type="checkbox"/> Other	
<input checked="" type="checkbox"/> Closure Financial Responsibility Document	June 15, 1993		

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

SWIS NO. 58-AA-0002

16. Self-Monitoring:

Program	Reporting Frequency	Agency Reported To
Visual inspections for settlement, erosion and drainage system repair.	Quarterly	Yuba County Environmental Health Department
*Additional monitoring is required by the Central Valley, Regional Water Quality Control Board, WDR Order No. 93-117		

SOLID WASTE FACILITY PERMIT

SWIS NO. 58-AA-0002

17. LEA Conditions:

1. Additional information shall be provided as required by the LEA, Yuba County Environmental Health Department.
2. The Final Closure/Postclosure Maintenance Plan shall be strictly adhered to.
3. This facility must comply with all Federal, State, and Local Enactments.
4. Any proposal for postclosure land use must first be submitted to the LEA and CIWMB for review and comment.

California Integrated Waste Management Board
Permit Decision No. 94-67
July 27 and 28, 1994

WHEREAS, Yuba County operates the Ponderosa Landfill which ceased disposal operations on March 31, 1992; and

WHEREAS, the Yuba County Department of Planning and Building Services, the lead agency for CEQA review, prepared a Negative Declaration (ND) for the proposed project; and Board staff provided comments to the County on February 5, 1992; and the proposed project will not have a significant effect on the environment; and mitigation measures were incorporated into the approval of the proposed project; and the Yuba County Board of Supervisors adopted the ND (SCH# 92012027) on November 9, 1993, and the Notice of Determination for the project was filed on December 29, 1993; and

WHEREAS, Board staff, in conjunction with the Local Enforcement Agency (LEA) and the Regional Water Quality Control Board (RWQCB), approved the Final Closure and Postclosure Maintenance Plans, including the financial mechanism, on June 28, 1994; and

WHEREAS, the LEA has submitted to the California Integrated Waste Management Board (Board) for its review and concurrence in, or objection to, a revised Solid Waste Facilities Permit for the Ponderosa Landfill; and

WHEREAS, the project description in the Negative Declaration is consistent with the proposed permit; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design and operation in compliance with State Minimum Standards; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the County General Plan, and compliance with CEQA; and

WHEREAS, Board and LEA staff have determined that the landfill is currently in compliance with State Minimum Standards for Solid Waste Handling and Disposal; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 58-AA-0002.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27 and 28, 1994.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 20, 1994

AGENDA ITEM 6

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit (SWFP) for the Forward Landfill, San Joaquin County

BACKGROUND:

Facility Facts

Name: Forward Landfill
Facility No. 39-AA-0015

Facility Type: Class II and III Landfill
(The Class I disposal unit closed in 1989)

Location: 9999 South Austin Road, 7 miles southeast of the City of Stockton (APN: 201-060-03)

Area: 157 acres

Setting: Surrounding land is designated (agricultural)

Status: Active, operating since 1973

Tonnage: Permitted for 4,180 tons per day

Capacity: 11,940,000 yard³ (7,440,000 tons) remaining

Closure Date: Approximately 2006

Owner/Operator: Forward, Incorporated,
Gregory J. Basso, Vice-President

LEA: San Joaquin County Public Health Services,
Environmental Health Division,
Donna Heran, Director

Proposed Project: The LEA proposes to revise the permit to redesignate Class III disposal cells as Class II units, increase permitted daily tonnage, clearly specify permitted waste types, establish site design parameters, and allow the use of alternative daily cover materials.

SUMMARY:

Site History The site has been used for waste disposal since 1973. The LEA issued a SWFP to Forward, Inc. in 1978. The tonnage has since increased above permitted levels and the LEA has issued a Notice and Order requiring the operator to obtain a revised SWFP. Waste Management Unit (WMU) A, eight acres located at the northeast corner of the site, accepted hazardous waste from 1973 to 1984. In 1989 WMU A was closed in accordance with the requirements of Title 22 at which time the Department of Toxic Substances Control (DTSC) issued a hazardous waste facilities permit for WMU A. DTSC enforces closure, maintenance, and monitoring requirements for WMU A.

New Waste Discharge Requirements (WDRs) were adopted by the Central Valley Regional Water Quality Control Board (CVRWQCB) on January 28, 1994.

A review of recent LEA inspection reports demonstrates that the facility does not have a history of ongoing or serious violations of State Minimum Standards.

Project Description The Forward Landfill is located on Austin Road, 2 miles east of Highway 99 in San Joaquin County. Surrounding land use is designated as agricultural. The Austin Road Landfill (Facility File No. 39-AA-0001) is located 1000 feet north of the site and is expected to eventually expand to the southeast along the northern boundary of the Forward Landfill. There are three residences located within 1000 feet of the landfill, the two closest being 100 and 500 feet from the northeast corner of the site.

The South Fork of Littlejohns Creek crosses the site in a southwesterly direction. All active and historical disposal cells are located on the north side of the creek; however, the operator proposes to place waste south of the creek as well. Adequate drainage control and setbacks protect the creek from impacts of landfill operations. The Stockton Metropolitan Airport is located approximately 7,500 feet northwest of the landfill.

Cover material is obtained from the excavation of future disposal cells or by using low level petroleum hydrocarbon contaminated soils approved for use as cover material. The operator proposes to cover waste with a synthetic fabric tarp and has recently completed an approved alternative daily cover (ADC) demonstration project. The ADC demonstration was conditionally approved by Board staff on May 10, 1991 and the LEA approved the Forward Landfill Final ADC Report on June 3, 1994.

This facility, which is not open to the public, currently receives an average of 225 tons of waste per day with peak loads sometimes exceeding 2,000 tons per day. Although the LEA does not anticipate unusual peak loadings, the landfill will be permitted to accept 4,180 tons of waste per day. Customers wishing to dispose of waste at this facility must call the office at least 24 hour in advance. Landfill personnel are always on duty during operating hours, which have changed from 7:00 a.m. - 5:00 p.m. six days/week to 6:00 a.m. - 6:00 p.m. Monday - Saturday.

The 1978 permit allows: residential refuse, commercial solid wastes, tires, industrial wastes, construction/demonstration wastes, sewage sludge, liquids/slurries, septic tank pumpings, limited hazardous wastes provided the generator has received prior approval from the RWQCB and the LEA.

The proposed permit will allow the landfill to accept the following wastes:

- Friable and nonfriable asbestos
- Automobile shredder waste
- Other hazardous wastes granted a variance by DTSC for Class II or Class III disposal.
- Designated wastes
- Non-hazardous contaminated soils containing petroleum hydrocarbons, metals, and non-petroleum organics and/or soluble solids
- The following non-hazardous wastes which require special handling: sewage sludge; water treatment sludge; inert ashes; grit/grease; holding tank pumpings; storm drain cleanings; dredge and fill materials; leachates; septic tank pumpings; treated wood waste; coal and wood ash; agricultural ash; sewage and wastewater sludge ashes; hospital waste ash; metals-contaminated wastes; organic compound contaminated wastes; chemical toilet waste; boiler blowdown water; fiberglass; and tires.

Environmental Controls Site environmental controls are described in the Report of Disposal Site Information (RDSI) and are summarized below:

Dust is controlled by: grading, watering, and paving haul roads; spraying water on roadways, active soil-covered work areas, soil excavation areas, and soil stockpile areas; application of organic dust suppressant; and enforcing 10 MPH speed limit. In addition, asbestos and ash is wetted during disposal operations. Employees wear the full complement of respirators and protective clothing when handling and disposing of asbestos.

Odors are controlled by placement of daily, intermediate, and final cover over waste. Contaminated soil is covered during the remediation process. The facility is not expected to generate significant odors due to the nonputrescible properties of the waste accepted.

Litter is controlled by portable litter fences placed downwind of the active working face. Landfill personnel periodically collect litter from the litter fences, active areas, site perimeter, site access roads, and along both sides of Austin Road.

Noise is controlled by properly maintaining mufflers on all site equipment. Site personnel are provided with protective ear wear. The Mitigation Monitoring Program of the EIR requires the operator to install a sound wall if requested by the resident nearest to the landfill.

Insects, rodents, and birds are controlled by compaction of wastes and by placement of daily, intermediate, and final cover. The site receives minimal quantities of waste which might attract insects or birds. Site personnel inspect the site daily for signs of rodent activity. The operator has notified the Federal Aviation Administration and the Stockton Metropolitan Airport of the proximity of the landfill to the runway and of the revisions to the permit.

Fires are controlled by frequently removing debris and dust from undercarriages and engine compartment of landfill equipment and vehicles and checking for and repairing oil and fuel leaks. Portable fire extinguishers are provided on all heavy equipment vehicles, in both office trailers, and in the equipment maintenance building. Landfill personnel are trained in fire suppression activities. A combination of wells, watertanks, and stockpiled soil provide for adequate water suppression materials.

Landfill gas is not expected to exceed levels of regulatory concern due to the low percentage of decomposable wastes accepted at this site. Regardless, a perimeter monitoring program has been implemented.

Leachate is controlled through installation and monitoring of RWQCB approved Leachate Collection and Monitoring Systems (LCRS) installed prior to the operation of any WMU. Leachate collected by the LCRS is pumped from the sump to on-site leachate evaporation ponds.

Hazardous wastes are prevented from entering the site by the implementation of a load checking and hazardous waste screening program. Every truck entering the site must first check in at the entrance trailer where the driver must present the gate

attendant with all appropriate paperwork. Every load is inspected at the disposal area by a Forward Landfill employee. A load checking data sheet is filled out that describes the contents of each load in addition to the date, time, hauler, drivers name, and source of the waste. All employees involved with the inspection of waste attend the "Basic Hazardous Waste Awareness Course" given by the San Joaquin County Office of Emergency Services.

If hazardous waste is deposited and the responsible party can not be identified, the material will be handled, stored, transported, and disposed in accordance with Title 22 of the California Code of Regulations.

Resource Recovery Due to the type of waste accepted for disposed at this facility, no recyclable materials are recovered at the landfill. However, Forward, Inc. also operates a resource recovery facility in the South area of the site under separate SWFP No. 39-AA-0020.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on June 9, 1994, the last day the Board may act is August 8, 1994.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan (PRC 50000)

The LEA has determined that the facility is identified by the most recently approved edition of the San Joaquin County Solid Waste Management Plan, dated 1986. Board staff agree with said determination.

2. Consistency with General Plan (PRC 50000)

The LEA has found that the facility is identified in and is in compliance with the Land Use Element of the San Joaquin County General Plan. Board staff agree with said finding.

3. Consistency with Waste Diversion Requirements (PRC 44009)

Staff of the Board's Governmental and Regulatory Affairs Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair the County of San Joaquin from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The San Joaquin County Community Development prepared an Environmental Impact Report (EIR) (SCH# 92032013) for the proposed project. The EIR was certified as approved by the lead agency on September 16, 1993, and a Notice of Determination was filed by the lead agency on September 29, 1993.

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with, and that the Environmental Impact Report is adequate and appropriate for the Board's use in evaluating the proposed permit.

5. Compliance with State Minimum Standards

The joint LEA/State inspection conducted on April 29, 1994, documented one violation of State Minimum Standards for Solid Waste Handling and Disposal: 14 CCR 17607, Periodic Site Review. The operator has since submitted a Periodic Site Review in compliance with this standard.

6. Financial Mechanism The operator has established a trust fund as the financial assurance mechanism for closure and postclosure maintenance of the landfill. The Board's Financial Assurances Section evaluated financial documentation submitted by the operator on April 20, 1994 and determined that the mechanism meets the requirements of Title 14, California Code of Regulations (CCR), Section 18284. Board staff have also determined that the trust fund balance is at an acceptable level consistent with 14 CCR Section 18282(b)(3). Board staff also determined that the Certificate of Liability Insurance executed July 12, 1993 meets the requirements of 14 CCR Section 18236.

7. Compliance with Closure and Postclosure Requirements

The Board's Closure and Remediation Branch deemed the Preliminary Closure and Postclosure Maintenance Plans complete on January 14, 1994, and have since provided detailed comments to the operator.

STAFF RECOMMENDATION:

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 94-68 concurring in the issuance of Solid Waste Facilities Permit No. 39-AA-0015.

ATTACHMENTS:

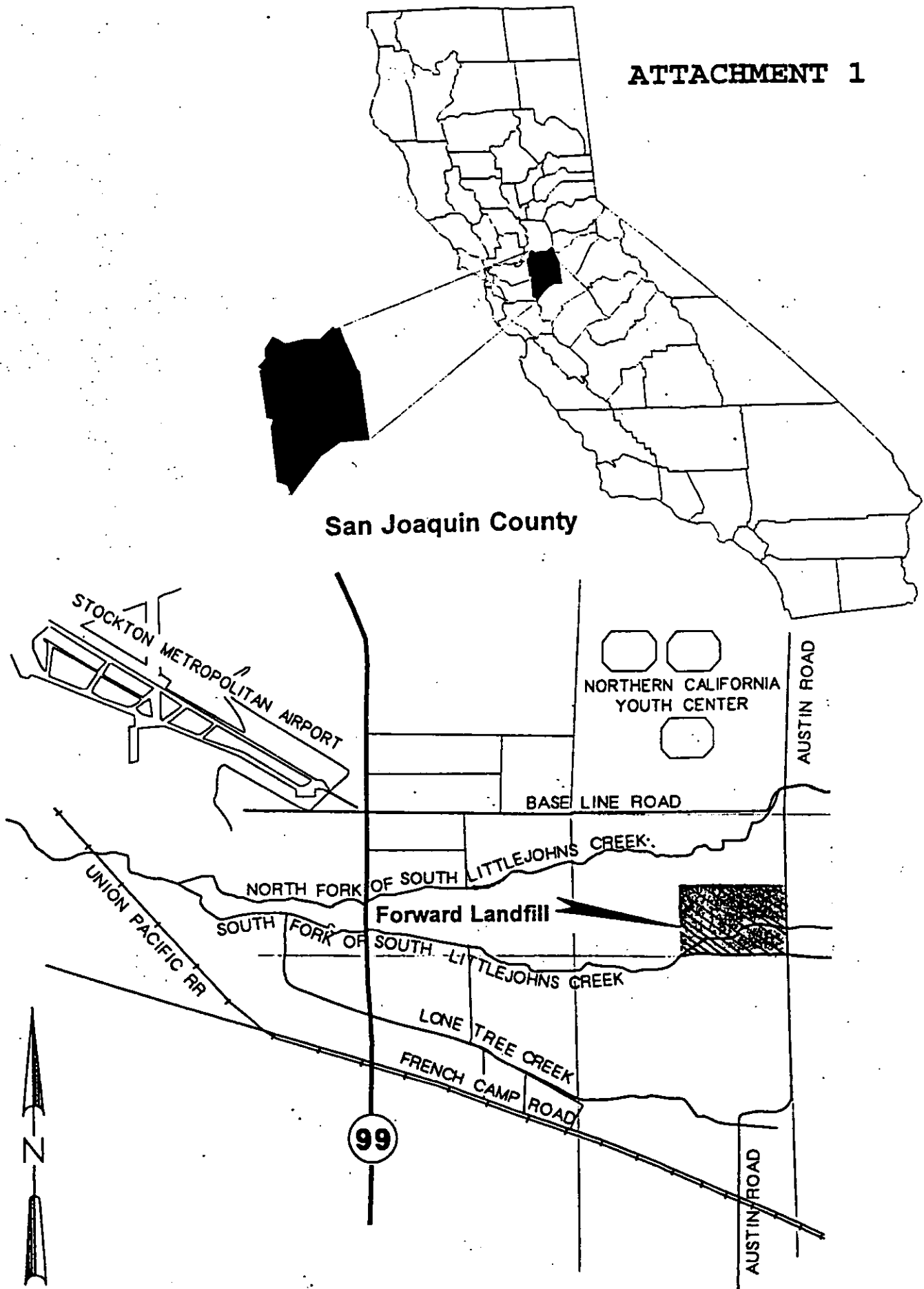
1. Location Map
2. Site Map
3. Proposed Permit No. 39-AA-0015
4. AB2296 Finding of Conformance
5. Permit Decision No. 94-68

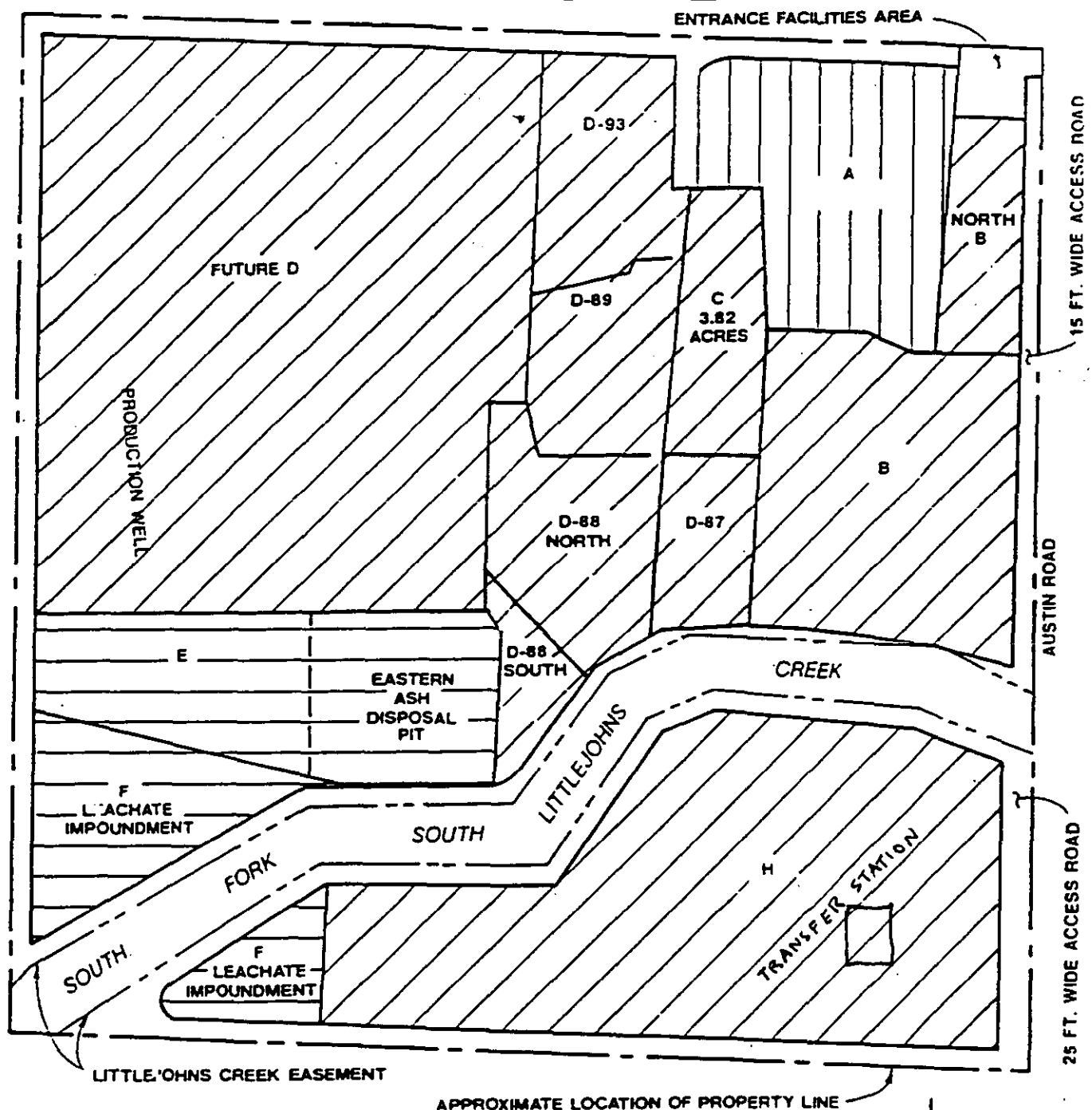
Prepared by: Jon Whitehill Phone: 255-2338

Reviewed by: Don Dyer Jr. / Cody Begley Phone: 255-2453

Approved by: Douglas Okumura 7-11-94 Phone: 255-2431

ATTACHMENT 1





LEGEND

	CLASS I
	CLASS II
	CLASS III

NOTES:

1. FUTURE D, D-93, AND H ARE PROPOSED TO BE RECLASSIFIED AS CLASS II.
2. WMUs B, C, D-87, D-88N, D-88S AND D-89 WILL BE OVERLAIN BY FUTURE D EXPANSION WHEN RECLASSIFIED.
3. NOT TO SCALE AREAS SHOWN ARE APPROXIMATE.
4. TREATMENT WMUs G-NORTH AND G-SOUTH ARE CONTAINED IN WMUs FUTURE D AND H, RESPECTIVELY.

Attachment C
 Waste Discharge Requirements
 Forward Inc., Forward Landfill
 San Joaquin County
 Site Map with Future Development Plans

SOLID WASTE FACILITY PERMIT

1.

ATTACHMENT 3

Name and Street Address of Facility:

FORWARD LANDFILL
9999 S. AUSTIN ROAD
MANTECA, CA 95336

3. Name and Mailing Address of Operator:

FORWARD, INC.
P.O. BOX 6336
STOCKTON, CA 95206

4. Name and Mailing Address of Owner:

FORWARD, INC.
P.O. BOX 6336
STOCKTON, CA 95206

5. Specifications:

a. Permitted Operations:

- ☐ Composting Facility
(mixed wastes)
☐ Composting Facility
(yard waste)
☒ Landfill Disposal Site
☐ Material Recovery Facility

☒ Processing Facility☐ Transfer Station☐ Transformation Facility☐ Other: _____

b. Permitted Hours of Operation:

MONDAY - SATURDAY: 6:00 A.M. - 6:00 P.M.

c. Permitted Tons per Operating Day:

Non-Hazardous - General
Non-Hazardous - Sludge
Non-Hazardous - Separated or commingled recyclables
Non-Hazardous - Other (See Section 14 of Permit)
Designated (See Section 14 of Permit)
Hazardous - (See Section 14 of Permit)

PEAK

Total: 4,180 Tons/DayReported with general tonnage Tons/DayReported with general tonnage Tons/DayN/A Tons/DayReported with general tonnage Tons/DayReported with general tonnage Tons/DayReported with general tonnage Tons/Day

d. Permitted Traffic Volume:

Total: 435 Vehicles/Day

Incoming waste materials
Outgoing waste materials (for disposal)
Outgoing materials from material recovery operations

435 Vehicles/DayN/A Vehicles/DayN/A Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	157	129				
Design Capacity		13,894,000	cy	tpd	tpd	tpd
Max. Elevation (Ft. MSL)		210	ft			
Max. Depth (Ft. BGS)		25	ft			
Estimated Closure Date		2006				

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, the permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previous issued solid waste facility permits.

6. Approval:

Approving Officer Signature

DONNA HERAN, REHS DIRECTOR - ENVIRONMENTAL HEALTH DIVISION

Name/Title

7. Enforcement Agency Name and Address:

SAN JOAQUIN COUNTY
PUBLIC HEALTH SERVICES
ENVIRONMENTAL HEALTH DIVISION
445 N SAN JOAQUIN STREET
STOCKTON, CA 95202

8. Received by CIWMB:

JUN 9 1994

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

39-AA-0015

12. Legal Description of Facility (attach map with RFI):

See Appendix A

See Appendix B for maps

13. Findings:

- This permit is consistent with the San Joaquin County Solid Waste Management Plan.
- This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- The design and operation of the facility is in compliance with the State Minimum Standards for solid waste handling and disposal as determined by the LEA and the CIWMB on April 29, 1994.
- Manteca-Lathrop Fire District has determined that the facility is in compliance with applicable fire standards as required in Public Resources Code, Section 44151.
- An environmental determination (i.e. Notice of Determination) SCH#92032013 is filed with the State Clearinghouse for this facility pursuant to Public Resources Code, Section 21081.6.
- A San Joaquin County Integrated Waste Management Plan has not been approved by the CIWMB.
- The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: San Joaquin County Planning Commission, September 16, 1993. Public Resources Code, Section 50000.5(a).
- On September 16, 1993, the San Joaquin County Planning Commission has made a written finding that the surrounding land use is compatible with the facility operation.

14. Prohibitions:

The permittee is prohibited from accepting any liquid waste sludge, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

- Asbestos
- Automobile Shredder Waste
- Other Hazardous Wastes granted a variance by DTSC for Class II or Class III disposal
- Designated Wastes - (a) as defined by Title 23, CCR, Section 2522 (b) compatible with the surface impoundment liner (c) approved by the RWQCB
- Non-hazardous Contaminated Soils containing the following: (a) petroleum hydrocarbons (b) metals (c) non petroleum organics and/or soluble solids
- Non-hazardous wastes which require special handling: (a) sewage sludge (b) water treatment sludge (c) inert ashes (d) grit/grease (e) holding tank pumpings (f) storm drain cleanings (g) dredge and fill materials (h) leachates (i) septic tank pumpings (j) treated wood waste (k) coal and wood ash (l) agricultural ash (m) sewage and wastewater sludge ashes (n) hospital waste ash (o) metals - contaminated wastes (p) organic compound contaminated wastes (q) chemical toilet waste (r) boiler blowdown water (s) fiberglass (t) tires, if they are reduced in volume prior to landfilling according to the requirements of Title 14, CCR, Section 17355.

The permittee is additionally prohibited from the following items:

Disposal of Hazardous Wastes - except as allowed above

Disposal of Cannery Waste

Disposal of Large Dead Animals

Disposal of Untreated Medical Waste

Open Burning

Scavenging

15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

Date		Date	
<input checked="" type="checkbox"/> Report of Facility Information	10/93	<input type="checkbox"/> Contract Agreements - operator and contract	
U-73-9	2/15/73		
<input checked="" type="checkbox"/> Land Use Permits and Conditional Use Permits	UP-91-12 9/16/93	<input checked="" type="checkbox"/> Waste Discharge Requirements	1/28/94
<input checked="" type="checkbox"/> Air Pollution Permits and Variances	6/15/93	<input type="checkbox"/> Local & County Ordinances	
<input checked="" type="checkbox"/> EIR or Negative Declaration	7/19/93	<input checked="" type="checkbox"/> RCRA Final Closure and Postclosure Maintenance Plan for Waste Management Unit A	9/87
<input type="checkbox"/> Lease Agreements - owner and operator		<input type="checkbox"/> Amendments to RFI	
<input checked="" type="checkbox"/> Preliminary Closure/Post Closure Plan	9/93	<input checked="" type="checkbox"/> Other (list): 1. Contaminated Soils Acceptance Program	10/6/94
			1/7/94
			4/8/94
		2. Alternative Daily Cover Report	
<input checked="" type="checkbox"/> Closure Financial Responsibility Document (Trust Fund)	1992		

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

39-AA-0015

Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Facility	Agency Reported To
1. LEACHATE MONITORING <u>Parameter/Constituents</u> refer to WDR Order #94-014 for list of constituents	QUARTERLY AND ANNUAL REPORTS	Local Enforcement Agency (LEA), RWQCB
2. GROUNDWATER MONITORING <u>Parameter/Constituents</u> refer to WDR Order #94-014 for list of constituents	QUARTERLY AND ANNUAL REPORTS	LEA, RWQCB
3. LANDFILL GAS MONITORING <u>Parameter/Constituents</u> Methane Gas	QUARTERLY	LEA
4. ASBESTOS AIR MONITORING <u>Parameter/Constituents</u> Asbestos Fibers	SEMI - ANNUAL	LEA
5. RESULTS OF HAZARDOUS WASTE SCREENING PROGRAM	ANNUALLY	LEA
6. TONNAGE RECORDS OF WASTES RECEIVED	MONTHLY	LEA
7. LOG OF SPECIAL OCCURRENCES	ANNUALLY	LEA
8. AN EMPLOYEE TRAINING LOG WITH DATES OF TRAINING, COURSE DESCRIPTIONS, ETC... SHALL BE MAINTAINED AND KEPT CURRENT	UPON REQUEST OF LEA	LEA
9. SUMMARY OF ALL COMPLAINTS RECEIVED REGARDING THIS FACILITY AND THE OPERATOR'S ACTION TO RESOLVE THESE COMPLAINTS.	MONTHLY//	LEA
10. RESULTS OF ON-SITE INDUSTRIAL HYGIENE AND AREA MONITORING	UPON REQUEST OF LEA	LEA
11. RESULTS OF CONTAMINATED SOILS POST-TREATMENT ANALYSIS	ANNUALLY	LEA

SOLID WASTE FACILITY PERMIT

Rec'd
JUN 20 1994 39-AA-0015

17. LEA Conditions:

- The combined Forward Landfill and the Forward Resource Recovery Facility permitted tons per operating day shall not exceed 4,180(peak).
- B. Forward Landfill's contaminated soils acceptance program shall comply with the terms and conditions given in the LEA's letters to Forward dated October 31, 1990; June 5, 1992; and January 7, 1994.
- C. This facility shall comply with all terms and conditions of this permit.
- D. This facility shall comply with all applicable State minimum standards for solid waste handling and disposal.
- E. This facility shall comply with all Federal, State, and Local requirements and enactments, including all mitigation measures given in any certified environmental document filed pursuant to Public Resources Code, Section 21031.6.
- F. Any additional information concerning the design and operation of this facility must be provided upon the request of the local enforcement agency.
- G. This permit is subject to review by the LEA and may be suspended, revoked, or modified at any time for sufficient cause.
- H. This facility must conform to the Report of Disposal Site Information dated October of 1993.
- I. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, an actual or potential hazard, or creation of a public nuisance.
- J. Any change that would cause the design or operation of this facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change to the LEA at least 120 days in advance of that change.
- K. Safety equipment shall be provided for all employees at the landfill.

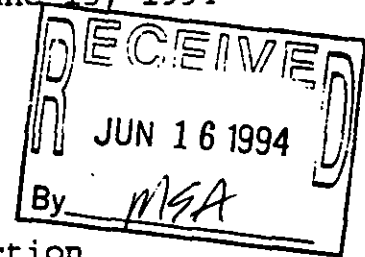
This facility must comply with the conditions of approval for the land use permit UP-91-12

- M. The operator shall maintain a copy of this permit at the facility to be available at all times to facility personnel and enforcement agency personnel.
- N. A change in operator of this facility shall require a new permit.
- O. The Griffolyn TX-1200 (Fire Retardant) synthetic blanket, or equivalent as approved by the LEA, is the only synthetic blanket approved for use at this facility.
- P. Six inches of soil cover material shall be applied at the end of each operating week to the active face where Griffolyn TX-1200 (Fire Retardant) synthetic blanket was used.
- Q. An adequate supply of water or soil shall be kept near the active face to aid in fire suppression.
- R. Application and removal of the synthetic blanket shall be done so as to minimize damage (punctures, tears, etc.) to the synthetic blanket.
- S. The operator shall remove from use and discard the synthetic blanket when it no longer functions as an adequate cover material as outlined in CIWMB's "Procedural Guidance For the Evaluation of Alternative Daily Covers".
- T. The LEA may order a synthetic blanket removed from service and discarded based on deteriorated condition(s) which prevent it from functioning as adequate cover.
- U. Griffolyn TX-1200 (Fire Retardant) synthetic blanket may only be used to cover non-hazardous solid waste or non-hazardous solid waste mixed with de-watered sewage or water treatment sludge at a minimum solid-to-liquid ratio of 5:1 by weight. The ultimate moisture holding capacity of the non-hazardous solid waste shall not be exceeded.
- V. Griffolyn TX-1200 (Fire Retardant) synthetic blanket shall not be used to cover designated wastes, asbestos, or any other hazardous wastes approved by DTSC for Class II or III disposal. Six inches of soil cover material shall still be used to cover these wastes daily.

MEMORANDUM

To: ✓ Cody Begley
Permits Branch - North
Permitting and Enforcement Division

Date: June 15, 1994



From: Toni Galloway
Toni Galloway
Office of Local Assistance, Central Section
Governmental & Regulatory Affairs Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: CONFORMANCE FINDING FOR THE FORWARD, INC. LANDFILL,
NUMBER 39-AA-0015

The proposed project involves a permit revision for the Forward, Inc. Landfill, located on the west side of Austin Road, two miles south of Arch Road, southeast of Stockton. The 157 acre site is an existing private solid waste disposal facility. The Forward, Inc. Landfill serves the designated special waste disposal needs for a very large multi-county area with very little special waste being disposed of from the unincorporated San Joaquin County.

The proposed project revision includes: expand the disposal area footprint, reclassify the remaining Class III cells to Class II with Regional Water Board approval, update the list of accepted wastes, use of soils contaminated with petroleum hydrocarbons or other Board approved compounds as an alternative daily cover and a request to increase the maximum tonnage of the landfill from 550 to 4,180 tons per day with a stipulation that the Forward, Inc. Landfill and the adjoining resource recovery facility together will not exceed the 4,180 tons per day peak. This is according to the proposed solid waste facilities permit and Report of Facility Information (RFI). In addition, the revision will update the permit language, and include the most recent RFI.

As stated above, Forward, Inc. has a resource recovery facility on the same property as the landfill. The Forward Resource Recovery Facility (RRF) is under a separate permit, 39-AA-0020, and it assists San Joaquin County in meeting their diversion goals by recovering from the municipal waste stream: cardboard, metal, HDPE, PET, and California redemption glass. Wood waste is also sent to the facility but it is chipped for co-generation fuel. The RRF diverts approximately 82% of the material entering the facility. This facility is also undergoing a permit revision that should come before the Board sometime in late 1994.

PRC 44009: Waste Diversion Requirement

Board staff have reviewed the proposed Forward, Inc. Landfill, Solid Waste Facilities Permit, the Report of Facility Information, and the Preliminary Draft Source Reduction and Recycling Element (SRRE) for the unincorporated area of San Joaquin County. According to Ms. Carrie Fisher, Environmental

Cody Begley
39-AA-0015
June 15, 1994

Compliance Officer for Forward, Inc., the landfill does not have any resource recovery operations for the designated and special wastes, such as asbestos, ash, contaminated soils, etc., received at the facility. Ms. Fisher did state that if a load came into the facility to be disposed, but had materials that could be recycled, those materials would be diverted to the RRF if possible. The SRRE describes the programs which the County will use to achieve the diversion mandates. San Joaquin County expects to meet the diversion mandates through a combination of local and regional source reduction, recycling, and composting programs. Current diversion figures for the unincorporated County are 18%. Based on this review and in consultation with San Joaquin County staff, Board staff have determined that the revised permit for Forward, Inc. Landfill, should not prevent or substantially impair the achievement of the waste diversion mandates.

PRC 50000: Conformance with the CoSWMP

The Forward, Inc. Landfill is an existing Class II facility and is identified and described on page 3-45 of the 1986 San Joaquin CoSWMP. In addition, Mr. Tom Horton, Solid Waste Manager for the County of San Joaquin issued a memorandum on September 17, 1993, stating that the Department of Public Works has determined the Forward, Inc. Landfill is in conformance with the CoSWMP. Based on this information staff concludes that the requirements of PRC 50000 have been met.

PRC 50000.5: Consistency with the General Plan

The Final Environmental Impact Report and Use Permit were discussed and approved by the San Joaquin County Planning Commission on September 16, 1993. A finding was made in UP-91-12, that the Forward, Inc. Landfill is consistent with, and designated in, the San Joaquin County General Plan. In addition, a finding was made that the project is compatible with and conforms to the surrounding land use. This information was verified by Mr. Tom Horton, Solid Waste Manager with San Joaquin County Public Works Department.

Summary of Conclusions

Based upon the review of the submitted documents, the proposed permit conforms with the provision of AB 2296 as follows:

1. The permit is consistent with the State's waste diversion requirements (PRC 44009).
2. The facility is in conformance with the County's Solid Waste Management Plan (CoSWMP) (PRC 50000).
3. The facility is consistent with the San Joaquin County General Plan (PRC 50000.5).

If you have any questions or comments, please call Trevor Anderson at (916) 255-2309.

California Integrated Waste Management Board
Permit Decision No. 94-68
July 27 and 28, 1994

WHEREAS, the Forward, Inc. owns and operates the Forward Landfill; and

WHEREAS, the San Joaquin County Environmental Health Division, acting as the Local Enforcement Agency (LEA), requested that the operator submit an application for a revised Solid Waste Facility Permit; and

WHEREAS, the San Joaquin County Community Development, the lead agency for CEQA review, prepared an Environmental Impact Report (EIR) for the proposed project; and Board staff provided comments to the County on December 20, 1992; and the proposed project will have a significant effect on the environment; and mitigation measures were incorporated into the approval of the proposed project; and the San Joaquin County Board of Supervisors adopted the Final EIR (SCH# 92032013) on September 16, 1993, and approved the Notice of Determination for the project on September 29, 1993; and

WHEREAS, new Waste Discharge Requirements (WDRs) were adopted by the Central Valley Regional Water Quality Control Board (CVRWQCB) on January 28, 1994; and

WHEREAS, the operator has completed an approved demonstration project evaluating the use of synthetic fabric tarps as alternative daily cover; and

WHEREAS, the LEA has submitted to the California Integrated Waste Management Board (Board) for its review and concurrence in, or objection to, a revised Solid Waste Facilities Permit for the Forward Landfill; and

WHEREAS, the project description in the CEQA document is consistent with the proposed permit; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design and operation in compliance with State Minimum Standards; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the County General Plan, and compliance with CEQA; and

WHEREAS, there is no evidence in the record to indicate that the issuance of the permit would prevent or substantially impair the jurisdictions' achievement of the diversion requirements prescribed in Public Resources Code Section 41780; and

WHEREAS, the most recent joint Board/LEA inspection, conducted on April 29, 1994, documented one violation of State Minimum Standards; and

WHEREAS, the LEA and Board have determined that the operator has since brought the facility into compliance; and

WHEREAS, the LEA approved the operator's alternative daily cover report on June 3, 1994; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 39-AA-0015.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27 and 28, 1994.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 20, 1994

AGENDA ITEM 7

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit (SWFP) for the Upper Valley Compost Facility, Napa County

BACKGROUND:

Facility Facts

Name: Upper Valley Compost Facility
Facility No. 28-AA-0026

Facility Type: Mixed Waste Compost Facility (Grape Pomace)

Location: 1285 Whitehall Lane, 2.5 miles south of the city of St. Helena, 1/4 mile west of Hwy. 29

Area: 20 acres

Setting: Site is designated public use and surrounding land is designated agricultural preserve

Status: Active, operating since the late 1960's

Tonnage: 34,000 tons per year; daily tonnage restricted by 224 trucks per day (approximately 810 TPD average)

Capacity: 34,000 tons of grape pomace per year

Owner/Operator: Robert Pestoni, Upper Valley Disposal Service

LEA: Napa County Division of Environmental Health, Ralph Hunter, Manager

Proposed Project: The operator proposes the continued operation, expansion, and improvement of an existing grape pomace composting facility. Section 40194 of the PRC states that compost facilities are solid waste facilities and therefore are required to obtain a Solid Waste Facilities Permit. However, composting of this type of waste is not currently regulated by State Minimum Standards. Board staff are currently drafting standards which would regulate non-green waste composting facilities.

SUMMARY:

Site Location The Upper Valley Disposal and Recycling Service Compost Facility (UVDRSCF) is located on Whitehall Lane in Northern Napa County west of State Highway 29 between the towns of St. Helena and Ruthaford. The site is designated Public Use and surrounding land is designated as an Agricultural Preserve. Adjacent land is used for wineries and vineyards. There are also several residences in the area, three which are located within 1000 feet of the compost facility. The nearest residence is located approximately 200 feet from the property boundary. The Tributary of Bale Slough crosses the north section of the property and forms the western boundary of the composting area.

Site History The operator has accepted and composted winery waste (grape pomace) at this site since the late 1960's. In 1989, Section 40194 of the Public Resources Code (PRC) was amended to include compost facilities in the definition of a Solid Waste Facility. In 1992, numerous noise and odor complaints led to enforcement action by the LEA. Consequently, the LEA issued a Notice and Order (N&O) requiring the operator to cease activities which had created a public nuisance and to submit an application for a Solid Waste Facilities Permit. The LEA has since issued six additional enforcement orders to supersede expired N&O's and to reflect the applicant's progress towards obtaining a permit.

In April, 1993, neighbors appealed N&O 93-01, the fifth issued to this facility, to the designated Solid Waste Hearing Panel for Napa County. After the Hearing Panel upheld the N&O, the project opponents appealed the decision to the Superior Court which also upheld the N&O. The most recent N&O, the seventh issued to this facility, was issued on May 31, 1994, and requires the operator to obtain a Solid Waste Facilities Permit by August 1, 1994.

Chronology

1960's	Composting operations begin
1992	Numerous odor and noise complaints received by LEA
2/28/92	1st Notice and Order issued by LEA
10/27/92	State inspection
4/1/93	5th Notice and Order (appealed to Hearing Panel on 4/13/93)
5/93	Hearing Panel upholds N&O (appealed to Superior Court)
6/93	Preparation of Draft EIR
11/16/93	Water Board waives requirements for WDRs
11/22/93	Superior Court decision upholds N&O
12/8/93	Planning commission decides not to recommend certification of Final EIR (appealed to Board of Sups)
2/22/94	Board of Supervisors Certifies Final EIR (appealed)
3/29/94	Rezoning approved and Statement of Overriding Considerations adopted
5/11/94	Planning Commission approves CUP (appealed to Board of Sups by applicant and opponents)
6/14/94	Board of Supervisors approves CUP
8/1/94	Due date to obtain SWFP (N&O No. 94-03, 7th issued to this facility)

Project Description The entire site property consists of 55 acres: 20 acres are planted in vineyards; 14 acres are devoted to recycling, grape seed processing, offices, maintenance, and parking; 2.5 acres are occupied by a wastewater pond; 10 acres are devoted to grape pomace composting; and 8.5 acres were recently acquired for future expansion of the compost area. The LEA proposes to issue a permit for the 20 acres used for preprocessing, composting, storage, drainage, and leachate control.

Pomace, or grape harvest waste, is the material left over when grapes are crushed to extract the juice for wine making. The material is considered a manufacturing or industrial by-product. Grape pomace is composed of grape skins, stems, seeds, and leaves, and is high in moisture content and nitrogen. The site accepts pomace from 35-40 wineries in Napa Valley and composts it to produce a soil amendment for vineyards and nurseries. The proposed permit would only allow the facility to accept material that is delivered from wineries within Napa County.

Upper Valley Disposal Service (UVDS) provides the roll-off drop boxes to area wineries for collection of pomace. UVDS collects the pomace for delivery to the compost facility between the months of August and November coinciding with the crush of grapes at wineries. UVDS receives approximately 730 - 890 tons of pomace per operating day depending on the length of the season and the productivity of the vineyards during any particular season. The facility will be permitted to accept a maximum of 34,000 tons of pomace per year but will initially be limited to 17,500 tons per year until the operator converts from windrows to an aerated static pile system.

The pomace is unloaded on a concrete preprocessing pad where it is visually inspected for excluded wastes. The operator has installed a gas dryer in the pre-processing area for drying selected loads of pomace. Other machinery installed at the preprocessing area separates grape seeds from the dried pomace for later processing. The grape seeds are eventually pressed for oil which is sold to manufacturers of cosmetics and cooking oil. The only materials added to the pomace during preprocessing are lime (for fly control) and finished compost.

After unloading and preprocessing, the pomace is moved to the compost area and arranged into windrows. Permeability requirements have not yet been established for this type of compost facility although soils throughout the compost area are composed of dense clays with permeability ranging from 2.24×10^{-5} to 2.97×10^{-8} centimeters per second. The existing compost area is bermed on all sides and is graded to the east away from the Bale Slough Tributary.

At the end of the crush season, and before the start of the rainfall season, pomace windrows are covered with semi-permeable

woven geotextile tarps which shed most of the rainfall but provide for some air exchange between the pomace and the atmosphere. The space between rows is covered with tarps designed to shed all precipitation. Precipitation is then channeled to a storm water retention basin at the eastern boundary of the site before being discharged off-site.

Compost leachate flows under the tarps to a sump at the northeast corner of the compost area where it is pumped into the 8.3 million gallon lined waste water treatment pond. Six aerators are available to prevent anaerobic decomposition of organic materials discharged into the pond. All precipitation falling on the preprocessing area during the crush season or on the compost area when the windrows are uncovered is treated as waste water. Waste water is used for landscape irrigation and for compost operations.

The finished cured compost is then stockpiled and prepared for sale to local vineyards and nurseries. Amendments may be added to meet the specific requirements of different customers. The site is then prepared for the first delivery of pomace in August.

The site will phase in an aerated static pile system within three years. The aerated static piles will be 11.5 feet high and 70 feet wide. The base layer will consist of a perforated plastic pipe in a bed of wood chips or rice hulls to distribute air evenly throughout the compost pile. The pile will be covered with 12 to 18 inches of cured finished compost to absorb odors and excess rainfall.

The aeration pipes will be connected to fans which will pull air through the static pile for the first four weeks of active composting. The blower exhaust will be filtered through piles of cured finished compost to control odors. Thereafter, the fans will blow air into and through the compost piles using the cover layer as an odor filter.

UVDS also operates a recycling facility on the same parcel of land. The refuse trucks, recycling collection trucks, and vehicles delivering pomace all use the same access from Whitehall Lane. The recycling facility provides for a curbside recycling program (glass, aluminum, tin, newspaper, and plastic) which serves approximately 3900 residences of Napa County. The recycling facility only received source separated recyclables and therefor is not regulated by Title 14.

Environmental Controls Section 18220 of 14 CCR requires operators of green composting facilities to submit a Report of Green Compost Site Information. Although the material processed at this facility does not fall within the definition of "green waste", the operator has submitted a report which generally meets the requirements of 14 CCR Section 18220.

The site is expected to meet the design and operating requirements of the Board's Mixed Waste Composting Regulations when they are adopted. Site environmental controls are described in the Report of Composting Site Information (RCSI) and are summarized below:

Odors are controlled by timely aeration of the windrows, turning windrows when the wind blows away from nearby homes, and not turning windrows all at once. Temperature and moisture is monitored during the active compost phase. The operator will implement an aerated static pile and odor filter system within three years. In addition, perimeter planting of trees and shrubs will help to screen odors. Prohibition 14(d) prohibits anaerobic biological degradation of sufficient magnitude to produce nuisance odors or to adversely affect aerobic windrow composting.

Dust is controlled by wetting windrows prior to turning by the scarab. In addition, the CUP, a conditioning document of the SWFP, requires the operator to implement a static pile compost method, or equivalent technology, which will reduce the amount of handling and disturbance of the compost. Additional trees and shrubs will be planted to minimize fugitive dust.

Litter is not expected to be a problem at this facility due to the nature of the waste accepted. Facility personnel are available to collect litter should the need arise.

Noise is controlled by properly maintaining all site equipment. Site personnel are provided with protective ear wear. The operator will place berms and plant trees and shrubs around the site to control noise.

Insects are controlled by adding lime and by maintaining adequate temperatures in the compost piles. *Rodents and birds* are not expected to be a problem at the site due the type of waste accepted, temperatures maintained during the composting process, and frequent turning of the windrows.

Fires are controlled by careful monitoring of compost temperatures. An adequate supply of water is available for fire suppression.

Drainage is controlled by grading the preprocessing and composting areas to prevent ponding and by covering windrows during the rainfall season.

Leachate is controlled by the clay soil underlying the site and by berms which channel leachate to a sump where it is pumped to a wastewater pond. The operator has also installed perimeter groundwater monitoring wells to ensure that the leachate collection system protects groundwater. The San Francisco Bay Regional Water Quality Control Board (RWQCB) waived Waste Discharge Requirements for the subject compost facility.

Hazardous wastes are prevented from entering the site by the implementation of a load checking and hazardous waste screening program.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on June 30, 1994, the last day the Board may act is August 29, 1994.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan (PRC 50000)

The LEA has determined that the facility is identified by the most recently approved edition of the Napa County Solid Waste Management Plan, dated February 19, 1988. Board staff agree with said determination.

2. Consistency with General Plan (PRC 50000)

The LEA has found that the facility is identified in and is in compliance with the Land Use Element of the Napa County General Plan adopted by the Napa County Board of Supervisors on June 7, 1983 and amended November 25, 1986. Board staff agree with said finding.

3. Consistency with Waste Diversion Requirements (PRC 44009)

Staff of the Board's Governmental and Regulatory Affairs Division made an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair the County of Napa from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 5.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The Napa County Conservation, Development, and Planning Department prepared

an Environmental Impact Report (EIR) (SCH# 92123072) for the proposed project. The EIR was certified as approved by the lead agency on February 22, 1994, and a Finding of Overriding Considerations was adopted by the lead agency on May 29, 1994.

Opponents of the proposed expansion have filed an appeal of the EIR. However, Section 15233 of the California Code of Regulations states that if a lawsuit is filed challenging an EIR, the Responsible Agency shall act as if the EIR complies with CEQA and continue to process the application for the project.

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with, and that the Environmental Impact Report is adequate and appropriate for the Board's use in evaluating the proposed permit.

5. Compliance with State Minimum Standards

The joint LEA/State inspection conducted on June 30, 1994, evaluated the facility for compliance with applicable State Minimum Standards for Solid Waste Handling and Disposal. The LEA and Board staff documented one violation for site security. The operator stated that a fence would be installed before July 20, 1994.

STAFF RECOMMENDATION:

Because a new Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 94-73 concurring in the issuance of Solid Waste Facilities Permit No. 28-AA-0026.

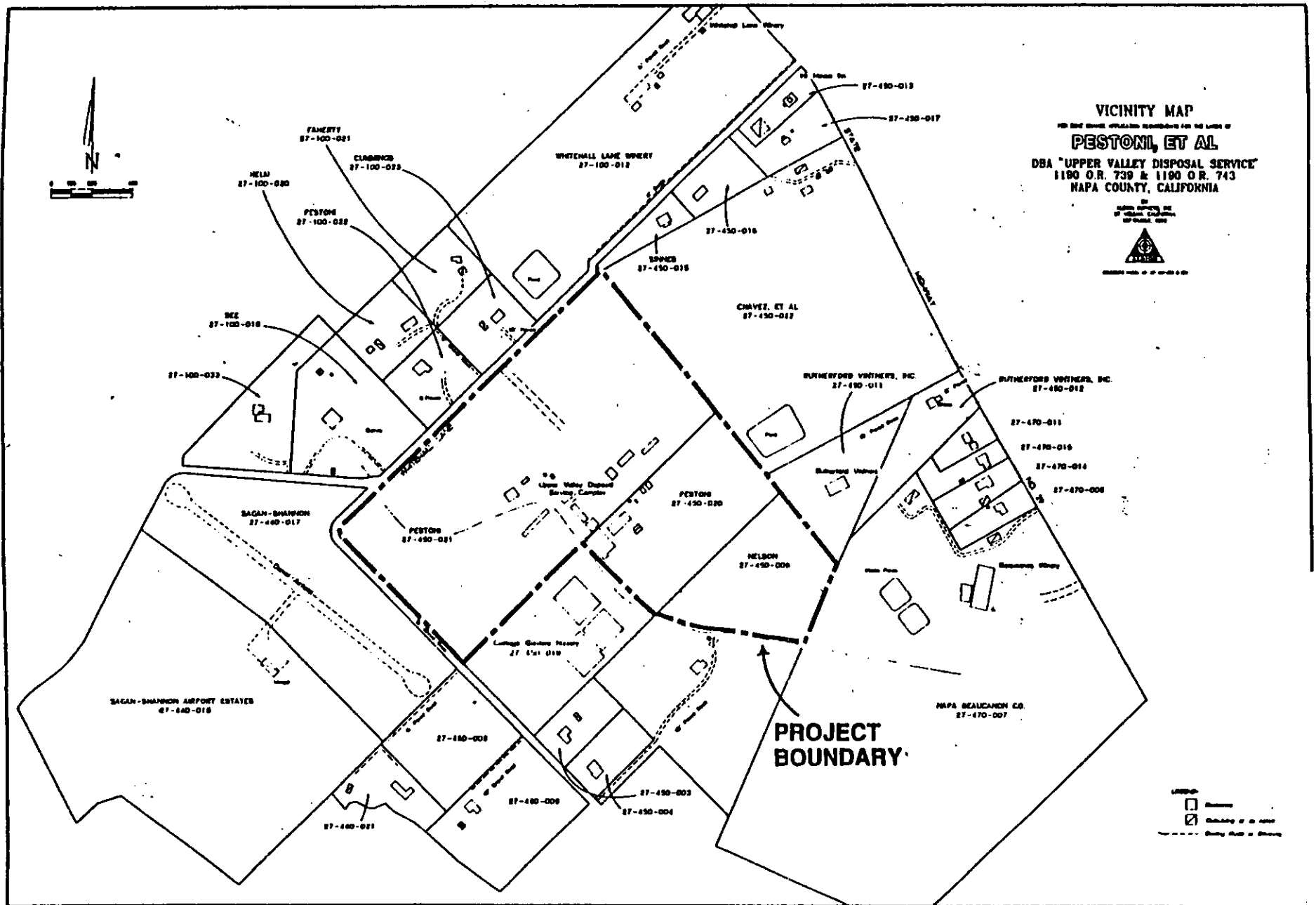
ATTACHMENTS:

1. Location Map
2. Site Map
3. Proposed Permit No. 28-AA-0026
4. Findings of Overriding Considerations
5. AB2296 Finding of Conformance
6. Permit Decision No. 94-73

Prepared by: Jon Whitehill ^{SW} Phone: 255-2338

Reviewed by: Don Dier Jr./Cody Begley ^{CB} Phone: 255-2453

Approved by: Douglas Okumura ⁷⁻¹¹⁻⁹⁴ Phone: 255-2431



ATTACHMENT 2

FIGURE
PROJECT VICINITY MAP



Upper Valley
Disposal Service, Inc./
Upper Valley
Recycling, Inc.

SOLID WASTE FACILITY PERMIT

1. Facility
2: ATTACHMENT 3

2. Name and Street Address of Facility: Upper Valley Recycling and Disposal Service Composting Facility 1285 Whitehall Lane St. Helena, Ca. 94574	3. Name and Mailing Address of Operator: Same as #2	4. Name and Mailing Address of Owner: Same as #2
--	---	---

5. Specifications:

a. Permitted Operations:

<input checked="" type="checkbox"/> Composting Facility (mixed waste) grape pomace	<input type="checkbox"/> Processing Facility
<input type="checkbox"/> Composting Facility (yard waste)	<input type="checkbox"/> Transfer Station
<input type="checkbox"/> Landfill Disposal Site	<input type="checkbox"/> Transformation Facility
<input type="checkbox"/> Material Recovery Facility	<input type="checkbox"/> Other: _____

b. Permitted Hours of Operation:
7:00 a.m. to 7:00 p.m.
During grape harvest, 6:00 a.m. to 10:00 pm, one truck - 24 hours

c. Permitted Tons per Operating Day:

Total: Phase 1; 17,500 tons/year*	Tons/Day
Phase 2; 34,000 tons/year*	Tons/Day * see 17(b) (12)
Non-Hazardous - General	Tons/Day
Non-Hazardous - Sludge	Tons/Day
Non-Hazardous - Separated or condensed recyclables	Tons/Day
Non-Hazardous - Other (See Section 14 of Permit)	Tons/Day
Designated (See Section 14 of Permit)	Tons/Day
Hazardous (See Section 14 of Permit)	Tons/Day

d. Permitted Traffic Volume:

Total: 240	Vehicles/Day
Incoming waste materials	224 Vehicles/Day
Outgoing waste materials (for disposal)	Vehicles/Day
Outgoing materials from material recovery operations	Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (in acres)	20				20	
Design Capacity		ay	tpd	tpd	34,000 tpd	TPV tpd
Max. Elevation (Ft. MSL)		ft				
Max. Depth (Ft. BGS)		ft				
Estimated Closure Date						

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:	7. Local Enforcement Agency Name and Address:
Approving Officer Signature <u>Ralph Hunter, Env. Health Mgr.</u> Name/Title	Napa Co. Division of Environmental Health 1195 Third St., Rm. 101 Napa, Ca. 94559

8. Received by CIWMB:	9. CIWMB Concurrence Date:
JUN 30 1994	

Permit Review Due Date:	11. Permit Issued Date:

12. LEGAL DESCRIPTION

The Upper Valley Recycling and Disposal Service Composting Facility (UVRDSCF) site is located south of the City of St. Helena, on Whitehall Lane. The driveway to the facility is approximately 1,400 feet west of the intersection with Highway 29. The facility is located in Township 7 North Range 5 West, Mount Diablo Baseline and Meridian. A section number has not been delineated for the property. The approximate site latitude and longitude are 38 degrees, 27' and 12 degrees 25' respectively.

A map showing the site location and on-site structures and entry roads is attached to this permit.

Figures and plates used in this Solid Waste Facility Permit (SWFP) were obtained from Emcon Associates Report of Compost Site Information.

13. FINDINGS

- a) The composting facility is identified in and operates in compliance with the Napa County 1987 Solid Waste Management Plan (final draft approved by Napa County Board of Supervisors, February 19, 1988) Public Resources Code (PRC) Section 50000 (a) (1).
- b) This permit is consistent with standards adopted by the California Integrated Waste Management Board. PRC, Section 44010.
- c) The design and operation of the facility is in compliance with the State Minimum Standards of Solid Waste and Handling as determined by the LEA.
- d) The Napa County Conservation, Planning and Development Department has determined that an Environmental Impact Report was necessary prior to obtaining a SWFP. The Final Environmental Impact Report (FEIR-067) was approved by the Napa County Board of Supervisors on February 22, 1994. The FEIR and Use Permit have been filed with the State Clearing House.
- e) Section 40000 et seq of the Public Resources Code requires the County to prepare and submit to the California Integrated Waste Management Board a Countywide Integrated Waste Management Plan to replace the Countywide Solid Waste Management Plan. The process is not yet complete for Napa County.

- f) The Napa County Board of Supervisors has made the determination that the facility is consistent with the Napa County General Plan (adopted by the Napa County Board of Supervisors, June 7, 1983 and as amended) PRC, Section 50000.5 (a).
- g) The Napa County Board of Supervisors has found that the proposed facility will be located within a Public Lands Zoning which authorizes this type of facility, and is compatible with the adjacent and nearby authorized land uses. Rezoning to Public Lands approved by BOS on March 29, 1994.
- h) The 20 acre composting facility includes: a concrete preprocessing/seed processing pad, including two seed dryers, occupying approximately 1 acre, a composting pad occupying approximately 13 acres, an 8.3 million gallon waste water pond occupying approximately 2 acres and a waste water spray field occupying approximately 4 acres.

14. PROHIBITIONS

The following operations and procedures are prohibited at this facility:

- a) Open burning.
- b) Scavenging, sale or other release of accepted wastes or unfinished compost.
- c) Acceptance of waste for which the facility is not permitted, including liquid wastes or slurries, green material (including leaves, grass clippings, weeds, tree trimmings untreated wood waste and shrubbery clippings), untreated medical wastes, dead animals, sewage sludge, hot or burning wastes, hazardous wastes (including special wastes) and designated wastes.
- d) Anaerobic biological degradation of sufficient magnitude to produce nuisance odors or to adversely affect aerobic windrow composting.
- e) Vector propagation and harborage.
- f) Use of chemical agents other than lime and gypsum (for pH adjustments and blending of commercial compost mixtures).
- g) Movement of leachate off-site.

15. DOCUMENTS DESCRIBING OR CONDITIONING FACILITY OPERATION

The following documents describe and/or restrict the operation of this facility. Permits issued as a result of the submittal of permit applications are also included:

- a) Use Permit approval letter of June 14, 1994, with conditions of approval for Napa County Use Permit 92061-UP.
- b) Report of Composting Site Information prepared by EMCON Associates (November 1, 1992). Revised on June 16, 1994.
- c) Notice of Waiver from Waste Discharge Requirements issued by San Francisco Bay Regional Water Quality Control Board, on November 16, 1993. The Memorandum of Understanding (Napa County Agreement # 1985, approved by BOS on February 11, 1992) for winery process waste treatment and disposal is in effect for the wastewater pond treatment and disposal system.
- d) Final Environmental Impact Report (FEIR-067) approved by the Napa County Board of Supervisors on February 22, 1994.
- e) Local or county ordinances and rulings which regulate specific facility operations.
- f) Hazardous Materials Management Plan submitted to Napa County Department of Environmental Health on February 5, 1991 and updated on March 1, 1994.
- g) Notification from the Bay Area Air Quality Management District dated April 5, 1994 indicating receipt and review of the application for a Permit to Operate. Application for Authority to Construct and Permit to Operate two agricultural dehydrators, dated April 20, 1993.
- h) A Notice of Intent for General Industrial Storm Water Discharge Permit (91-13-DWO). and Storm Water Pollution Prevention Plan.
- i) Hazardous Waste Load-Checking at Municipal Landfills and Transfer Stations, California Department of Health Services Management Memo #90-1, June 1, 1990 that provides the policy for handling, storage and disposal of hazardous wastes discovered at solid waste facilities.
- j) Notification of Removal of Materials and /or Alteration of Lake, River, or Streambed Bottom or Margin, submitted to the California Department of Fish and Game, dated June 1, 1994.

- k) Request for issuance of a 401 Water Quality Certification or waiver, submitted to the Army Corps of Engineers on June 3, 1994.

16. SELF-MONITORING PROGRAM

- a) The following reports shall be maintained on-site by the operator in a location readily available to inspection by the LEA, except where specified that they be submitted to the LEA.
- i. A record of weather conditions shall be maintained. The record shall include: rainfall, wind conditions and unusual meteorological occurrences.
 - ii. A report of quantities of pomace received at the facility and finished product removed from the facility shall be provided to the LEA on a monthly basis. The records shall indicate the quantities in cubic yards. The records shall be submitted to the LEA by the 15th day of the subsequent month.
 - iii. By January 31 of each year complete weight records shall be submitted to the LEA for reconciliation with the volume records.
 - iv. The following records shall be kept for windrow composting: number, size and age of windrows, daily temperature and frequency of aeration. The following records shall be kept for the static piles: date of creation, temperatures, amount of time using positive and negative pressure aeration. Maintenance of aeration equipment.
 - v. A log shall be kept of special occurrences, i.e., fires, explosions, accidents, inadvertent acceptance of hazardous wastes, and other unusual events at the site.
 - vi. A log shall be kept for the wastewater pond. The log shall include: weekly freeboard measurements (daily during periods of rain) the dates and volume of discharges from the pond for irrigation or disposal, the volume of input to the pond from the compost pad, recorded daily during periods of rain and monthly during non-rain periods. Monthly analysis of the biological oxygen demand, dissolved oxygen and pH of the pond, except during the period of April 15 through October 15 when the analysis shall be made every 90 days. The records shall be maintained for a period of three years.

- vi. Each of the ground water monitoring wells shall be sampled on a quarterly basis or as determined by the LEA. The analysis is to be performed by a State certified laboratory for the minimum following analytes: total phenols, sulfates, pH, tannin, lignin and boron. The reports are to be submitted to the LEA within 15 days of receipt.
- vii. Any other information concerning the composting facility must be provided to the LEA upon request.

17. LEA CONDITIONS

a) Requirements:

- 1. The design and operation of this facility must comply with all applicable federal, state, and local requirements and enactments, including all mitigation measures given in any certified environmental document filed pursuant to Public Resources Code 21081.6.
- 2. The design and operation of this facility must comply with all State Minimum Standards for Solid Waste Handling and Disposal.
- 3. Additional information concerning the design and operation of this facility must be furnished upon the request of the LEA.
- 4. A change in the operator for this site will require a new solid waste facility permit. The LEA shall be notified in writing of any change in ownership or operator of the facility.
- 5. The facility shall meet the design and operational standards of Mixed Waste Compost Regulations, when adopted by the California Integrated Waste Management Board.

b) Provisions:

- 1. A minimum of two ground water monitoring wells are to be installed in addition to the four currently at this site. The LEA must concur with the placement of the wells.
- 2. The grape seed processing operation may only operate between the hours of 8:00 a.m. and 5:00 p.m. weekdays and is limited to those seeds delivered to the facility as part of the grape pomace composting operation.

3. Pomace may only be accepted from wineries located in Napa County.
4. The discharge of water from the wastewater pond for irrigation or disposal shall not occur within 48 hours of the last measurable rainfall nor 48 hours before anticipated rainfall. Waste water shall not be allowed to discharge off the property or into any waterway.
5. All incoming pomace is to be checked for hazardous waste. In the event hazardous waste is inadvertently received it shall be managed, stored and disposed of in a proper, legal manner.
6. This permit is subject to review by the LEA and may be modified, suspended or revoked for sufficient cause following a hearing.
7. The operator shall maintain a business plan according to guidelines set forth in the Hazardous Materials Management Plan administered by Napa County Division of Environmental Health.
8. Trucks bringing pomace to the facility shall be limited to the harvest season and may operate from 6:00 a.m. to 10:00 p.m. except that one pomace truck may operate all night.
9. The operation of on-site composting equipment shall be limited to the hours of 7 a.m. to 7 p.m.
10. The SCARAB tractor shall be equipped with a spray bar which will deliver a water spray to suppress the generation and dispersal of particulate matter.
11. The composting of the pomace will be performed exclusively by aerated static pile within 3 years of the granting date of the conditional use permit.
12. Phase 2 of the operation shall commence only after written approval for commencement is received from the LEA.

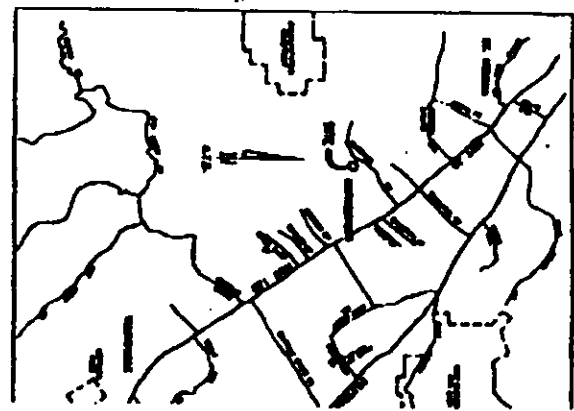
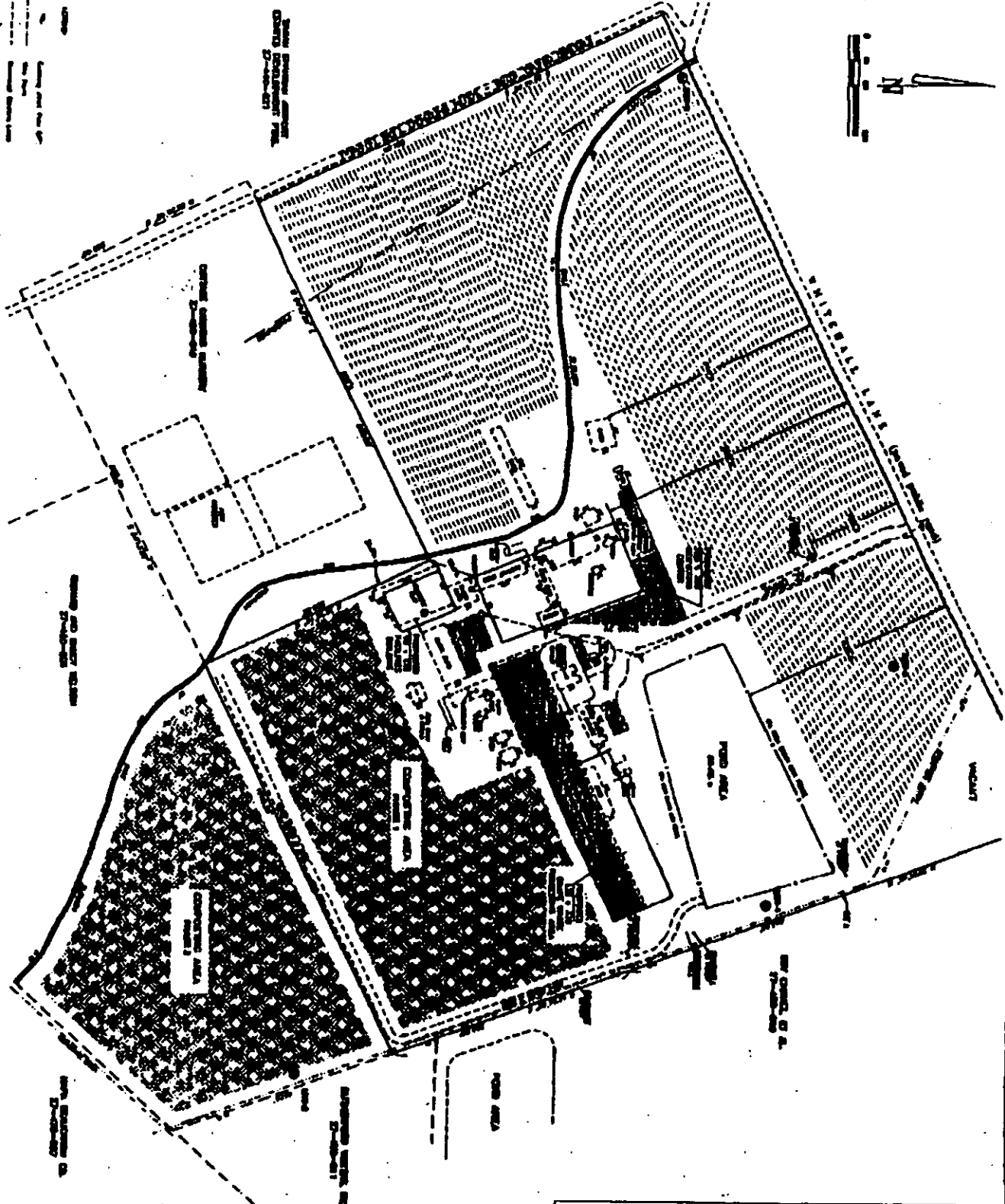
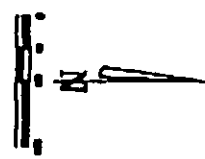
c) Specifications:

Any change that would cause the design and operation of UVRDSCF to change from the terms and conditions of this permit would be considered a significant change, and may require amendment to the County Use Permit and to the Report of Composting Site Information, and a revision of the Solid Waste Facility Permit.

Specific operational standards which UVRDSCF must meet are as follows:

1. Maximum capacity: 17,500 tons per year during Phase 1 and 34,000 tons per year during Phase 2
2. Litter: The pomace will be separated from any unacceptable material before it reaches the site.
3. Noise: Noise produced at the facility will comply with the provisions of the Napa County Noise Ordinance. Employees will be provided with hearing protection.
4. Odors: The windrows will be turned as frequently as is necessary and the aerated static piles maintained to prevent anaerobic degradation and migration of attendant unpleasant odors off-site.
5. Vectors: Windrows and static piles will be maintained to prevent the attraction or establishment of flies, rats or other vectors in the compost.
6. Dust: Dust control shall be maintained to prevent limiting the visibility of personnel on-site and from creating a nuisance off-site.
7. Fire: Windrows and static piles will consist of grape pomace, not susceptible to spontaneous combustion. In case of fire, water available on-site will be used for suppression and the emergency number 911 will be used to summon the California Department of Forestry and Fire Protection and other responders.
8. The storage area for the finished compost shall not be larger than 0.73 acres at the base nor greater than 25 feet in height.
9. The operator shall maintain a copy of this permit at the facility, available at all times for UVRDSCF and LEA personnel.

End of Permit



SITE MAP

PESTONI, ET AL.
 DBA "UPPER VALLEY DISPOSAL SITE"
 1180 O.R. 750 & 1180 O.R. 7
 NAPA COUNTY, CALIFORNIA



- EXISTING AREA
- NEW AREA
- ROAD
- RAILROAD
- WATERWAY
- DRAINAGE
- ...

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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UPPER VALLEY DISPOSAL SITE
 NAPA COUNTY, CALIFORNIA
 CDTI

Statement of Overriding Considerations
Upper Valley Disposal/Upper Valley Recycling
For Use Permit

The Board of Supervisors has carefully considered the significant effects identified in FEIR-067 that cannot be substantially mitigated and the effects of conditions that modify the mitigation measures recommended by FEIR-067 and balanced these adverse effects against the benefits that can reasonably be expected to accrue from the proposed project. In balance, these benefits, as described below, outweigh the unavoidable environmental risks associated with the project that are described below and justify approval of the use permit.

A. Unavoidable Risks

I. Those risks identified in the FEIR as adverse which cannot be mitigated are the cumulative impact of traffic on SR29 at the intersections of Whitehall Lane and Zinfandel Lane.

II. Those risks which are identified as a result of changes in the conditions which effect the mitigation measures contained in the FEIR are as follows:

A. Sale of Compost

Environmental and social benefits: Allowing sale of bulk compost from the site seven days a week will encourage composting and the use of composted material in furtherance of the goals established in AB 939 (Public Resources Code 40000 and following) and the County's Source Reduction and Recycling Element (SRRE). Potential negative impacts include the creation of an unknown amount of additional traffic to and from the site for bulk pick-up. The Board finds that the restriction to bulk sales, with no retail sales of packaged compost, will provide a limit on additional traffic and that the benefits of encouraging composting and the use of compost outweigh this potential impact.

B. Drainage and Flooding: Deferment of Improvements to 1995

Environmental and economic benefits: The Board has received testimony that while the applicant has prepared a drainage and flood protection plan acceptable to the County's Public Works Department, it would be logistically and economically impossible for the improvements to be installed before the arrival of pomace from the 1994 harvest, and therefore would have to be delayed until after the harvest. The Board has

also received testimony of the importance of continuing the composting operation so that wineries which use the service will have a place to dispose of their pomace, without having to resort to unregulated dumping or other alternatives that would disrupt the wineries' crush schedule and potentially affect the quality of their wine. The Board finds that the potential impact of deferring the drainage and flood improvements for one year is outweighed by the necessity of continuing the composting service during the upcoming harvest.

C. Continued Use of Plastic Coverings for Pomace

Environmental benefits: The Board has received testimony that the plastic coverings may cause some glare and create an aesthetic impact on surrounding neighbors. The Board also has received testimony that the continued use of the plastic coverings may be necessary to prevent the stockpile and portions of the compost area from coming into contact with rainwater, which in turn would increase the amount of water that would have to be considered waste water and that would have to be routed to the waste water pond and treated. The Board finds that the required landscape improvements are likely to mitigate fully any glare from the plastic coverings and, further, that the environmental benefit of protecting rainwater and decreasing the amount of waste water outweighs any potential aesthetic impact from continued use of the plastic coverings.

D. Retention of Whitehall Lane as Country Road

Environmental, social and economic benefits: The Board has received conflicting testimony on the ability of Whitehall Lane to carry the traffic created by the project as it exists and additional traffic that will be generated by expansion of the composting activities from approximately 17,500 tons of pomace per year to a maximum of 34,000 tons per year.. The Board also has received recommendations from the EIR consultant, the County Public Works Department and the Planning Commission on the type of improvements needed on the lane, including widening the road and providing four-foot shoulders on either side. The Board has received testimony that these improvements could endanger important mature trees on the south side of the road and vineyards to the north and that at least some of the residents of Whitehall Lane would prefer to cope with traffic on the existing lane rather than have the road widened and improved. Lastly, the Board has received testimony that the widening of the road and the provision of shoulders may necessitate removal of a drainage ditch to the north, and that this project

would create a major expense for the applicant. At least a portion of this expense would be attributable to the garbage and recycling operation and would be expected to become a cost to upvalley ratepayers. The Board finds that the benefits of leaving the road in its present width outweigh the impacts of existing and projected future increases in traffic.

E. Protection of Stormwater Runoff from Processing Slab

Environmental and aesthetic benefits: The Board has received conflicting testimony on the method of preventing stormwater that comes into contact with the pomace processing slab from being discharged into adjacent creeks. While the EIR consultant recommended that the slab be bermed and covered or entirely enclosed, the Board accepts the testimony of its Environmental Management staff and the applicant's representatives that the necessary environmental protections can be achieved by either berming or covering rather than requiring both. The Board understands that the applicant would like to avoid the expense of covering the entire slab if berming alone can divert the stormwater runoff into the wastewater pond. In addition, the covering of the entire slab, rather than the portion of coverage proposed by the applicant, will create additional aesthetic impacts that the Board would prefer to avoid. The Board finds, therefore, that the environmental protections necessary are achieved by berming alone, or covering the slab alone and that both activities are not necessary.

F. Six Foot Berms

Environmental and economic benefits: The Board has received conflicting testimony on the necessity of six-foot berms to mitigate the noise, flooding and visual impacts of the site. The Board wishes to avoid the additional earth moving and associated expense of requiring the berms if they are not necessary to protect adjacent properties from impacts. Based on evidence in the record, the Board finds that the proposed flooding and drainage mitigations, which have been approved by the Public Works Department, provide adequate protection without six-foot berms. The Board also find that the proposed landscape, which provides for extensive tree plantings around the perimeter of the site will sufficiently mitigate any visual impacts of the site. The Board further finds that the reduced hours of operation, and the enclosure of recycling activities in the proposed new building will

sufficiently mitigate noise from the site so that no six-foot berm is necessary.

G. Air Quality Monitoring

Economic benefits: The Board has reviewed the extensive conflicting testimony on the potential impact of the composting operation on air quality, including a potential increase in *Aspergillus Fumigatus* spores, and has determined that requiring the applicant to monitor air quality in the absence of both standards for the method of monitoring and standards for acceptable levels of *Aspergillus Fumigatus* would not be worth the time and expense involved. The Board finds that no monitoring should be required until the California Integrated Waste Management Board, or other regulatory agency charged with overseeing this aspect of composting operations, sets monitoring standards.

H. Odor

The Conservation, Development and Planning Commission conducted hearings, took oral and written testimony and deliberated on Upper Valley Disposal Service/Upper Valley Recycling's proposed corporation yard, recycling facility and composting operation and the projects's environmental impacts on the following dates: August 4, 1993; October 20, 1993, November 3, 1993, November 4, 1993, November 5, 1993, November 24, 1993, December 8, 1993, March 2, 1994 and April 20, 1994.

At each of these hearings, the Commission heard testimony and accepted evidence on the impact of odor from the composting operation on the surrounding area. Several residents of the area testified that they believed the odors from the facility have been severe at certain times in the past. At other times, according to testimony, the odors are not detectable or are detectable but not objectionable. The Commission also received evidence that the Bay Area Air Management District has issued violations to Upper Valley Disposal Service/Upper Valley Recycling for detectable odors.

Other residents of the area around the composting facility testified that they are not disturbed by odors from the facility and that those odors they do detect are similar to the odors associated with the crushing and fermenting of grapes noticeable throughout the Valley during the harvest season. Ralph Hunter, the local enforcement agent, testified that the Department of Environmental Management periodically receives

complaints from valley residents that wineries have dumped raw pomace that smells bad near them. Several winery owners and operators testified that if Upper Valley is not able to accept their raw pomace, they will have to spread it in their fields, in which case they expect to receive complaints from neighbors about odors and flies.

The environmental impact report on the project identified odor as a significant impact that could be mitigated to a level of insignificance by instituting measures that included an all weather operating surface, management practices to prevent ponding, fully aerate the piles and avoid stockpiling uncomposted material, or by converting the existing aerated windrow system to a static pile system. The conditions and mitigation measures attached to the use permit require a combination of improved management practices and conversion to a static pile system to mitigate any significant odors from the composting operation.

Based on all the testimony and evidence received, the Board of Supervisors finds that it is likely that the odors from the composting operation can be mitigated to a level of insignificance and that every necessary effort to achieve such mitigation has been required of the project. However, given the level of opposition to this project and the concern about odors expressed by some area residents, the Commission finds it necessary to state that if any odors from the composting operation are, for any reason, not fully mitigatable to a consistent level of insignificance, the project should still be approved based on considerations listed below.

B. Benefits that Result from the Grant of the Use Permit

I. Recycling Programs

A. Social benefit of residential and commercial recycling programs: The granting of the Use Permit will permit the continuation of the following existing residential and commercial recycling programs:

1. Curbside recycling of glass, aluminum, tin, newspaper and plastic for residential customers in the unincorporated portion of Napa County's solid waste zone 3, the City of Calistoga, City of St. Helena and Town of Yountville. Started 1989 in Calistoga, 1980 in St. Helena, 1991 in Yountville and the County. Total number served: Approximately 3900 residences.

2. Commercial recycling of glass, aluminum, tin, cardboard, newspaper and office paper for businesses in the unincorporated portion of the County of Napa's solid waste zone 3 and in the City of Calistoga, City of St. Helena and Town of Yountville. Started: mid-1960s. Number served: Approximately 202 businesses, including approximately 60 wineries that recycle substantial amounts of glass and cardboard.

3. These residential and commercial recycling programs further the purpose of the California Integrated Waste Management Act to reduce, recycle and reuse solid waste in order to conserve natural resources and protect the environment (Public Resources Code Section 40052). They meet the state mandate for local governments to provide for solid waste handling services including recycling, established by Public Resources Code Section 40057 as follows:

"Each county, city, district, or other local governmental agency which provides solid waste handling services shall provide for those services, including, but not limited to, source reduction, recycling, composting activities, and the collection, transfer, and disposal of solid waste within or without the territory subject to its solid waste handling jurisdiction." (emphasis added)

4. These recycling programs aid the communities of Calistoga, St. Helena, Yountville and unincorporated portions of Napa County in meeting their state mandated goal of reducing solid waste by 25 percent in 1995 and 50 percent in 2000 (Public Resources Code Section 41780).

5. These recycling programs exist through contracts and agreements and/or are included in the rate structure established between Upper Valley Disposal Service, Upper Valley Recycling and the City of Calistoga, City of St. Helena, Town of Yountville and the unincorporated portion of County of Napa. The Use Permit is necessary to permit the fulfillment of these agreements.

6. The Use Permit provides for the continued use of a central location for recycling activities in solid waste zone 3 that are mandated by state law and local agreements and which would occur, with attendant traffic and other environmental effects, whether the Upper Valley Disposal Service site is permitted or some other site is established.

Evidence: FEIR-067, Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element for Calistoga, St.

Overriding Considerations
Page 7

Helena, Yountville and the Unincorporated Area of Napa County dated June 1992; Napa County Solid Waste Management Plan of 1987; California Integrated Waste Management Act (CIWMA); application for a certificate of the extent of legal nonconformity (CELN) submitted by Upper Valley Disposal Service, April 1993, with exhibits; the administrative record of FEIR-067 and 92087-RZG.

B. Economic benefit to ratepayers of continued service without relocation: The grant of the Use Permit provides for the continuation of state mandated recycling programs that, if the Use Permit were denied, would have to be established in another location at considerable start-up costs, which would have to be paid by the ratepayers in solid waste zone 3. Permitting the continuation of the existing facility keeps the costs that are passed through in rates to the least burdensome level.

Evidence: FEIR-067, SRRE, CIWMA, CELN, administrative record for FEIR-067 and 92087-RZG.

II. Garbage Collection Corporation Yard

A. Social benefit of continuing to provide garbage collection service for solid waste zone 3: The provision of solid waste collection services is a governmental duty required by Ordinance 213 and Public Resources Code Sections 40002 and 40057. Upper Valley Disposal Services has provided garbage collection services from its current location for the County of Napa since 1963, the City of Calistoga since 1966, the City of St. Helena since 1965 and the Town of Yountville since 1965.

Evidence: CIWMA, Napa County Ordinance 213, SRRE, CELN.

B. Social benefit of central location: The Use Permit provides a central location for garbage collection activities in solid waste zone 3 that are mandated by state law and local agreements and which would occur, with attendant traffic and other environmental effects, whether the Upper Valley Disposal Service site is permitted or some other site is established.

Evidence: FEIR-067, administrative record for FEIR-067 and 92087-RZG.

C. Economic benefit of continuation of service without disruption: The Use Permit will allow the disposal service to continue operating at its present location and will avoid the costs of establishing the business at another location, a cost that would have to be paid by zone 3 ratepayers.

Evidence: Administrative record for FEIR-067 and 92087-RZG.

III. Pomace Composting

A. Social benefit of meeting state requirement: The California Integrated Waste Management Act requires each local government to provide solid waste handling services including composting activities (Public Resources Code Section 40057). The composting helps Napa County, the City of Calistoga and the City of St. Helena meet their state-mandated waste reduction goals.

Evidence: CIWMA, SRRE, administrative record of FEIR-067 and 92087-RZG.

B. Social and economic benefit of providing a service for the County's wine industry: The Use Permit will allow the continuation of the county's only centralized facility for disposal of pomace created as a by-product of wine production. Written and oral testimony from local vintners established the importance of this disposal service, which was created in response to a need expressed by vintners in the late 1960s and expanded as the wine industry expanded to meet a growing disposal need.

Evidence: FEIR-067, SRRE, administrative record of FEIR-067 and 92087-RZG, CELN.

C. Social, economic and environmental benefits of pomace disposal at a regulated site as opposed to vineyards or dumping in fields: The record has documented the potential environmental and agricultural hazards associated with returning raw grape pomace to vineyards or dumping it in fields, along with the expense and logistical problems associated with moving the pomace to fields. Regulated disposal at a central location in an agricultural area will provide a more controlled method of disposal and decrease the number of persons likely to be affected by pomace disposal.

Evidence: FEIR-067, administrative record.

D. Social benefit of continued use of central location: The Use Permit provides a central location for pomace disposal activities that must occur to meet industrial needs, with attendant traffic and other environmental effects, whether the Upper Valley Disposal Service site is permitted or some other site is established.

Evidence: FEIR-067, administrative record.

E. Economic and agricultural benefit of creating a soil amendment suited to vineyards: The composted pomace is sold for re-use to vineyards as an organic soil amendment that improves soil and aids crops.

MEMORANDUM

To: Jon Whitehill
Permits Branch, North

Date: July 6, 1994

From:



Dianne Range, SWMS
Local Assistance Branch
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: REVIEW OF THE PROPOSED PERMIT FOR FACILITY
NO. 28-AA-0026 FOR CONFORMANCE WITH AB 2296

The proposed permit for the Upper Valley Recycling and Disposal Service Compost Facility (UVRDSCF), Napa County (Facility No. 28-AA-0026) would allow the continued operation of an existing grape pomace composting facility. Based on review of materials submitted to the Office of Local Assistance on June 23, 1994, the proposed permit conforms with AB 2296 as follows:

1. The permit is consistent with the waste diversion requirements (PRC 44009);
2. The facility is consistent with the Napa County Solid Waste Management Plan (CoSWMP) (PRC 50000); and
3. The facility is in conformance with the Napa County General Plan (PRC 50000.5).

PRC 44009: WASTE DIVERSION REQUIREMENTS

Under the conditions of the proposed permit, the UVRDSCF would accommodate 61 percent of all grape pomace produced in Napa County or approximately 17,500 tons per year. The Final Source Reduction and Recycling Elements (SRREs) indicate that in 1990 grape pomace accounted for approximately 30 percent and 34 percent of the total waste stream for the unincorporated area of Napa County and the City of St. Helena respectively. A specific objective of these SRREs' Composting Elements is the continued operation of the UVRDSCF. The SRREs estimate that in 1995, waste diversion through grape pomace composting will account for approximately 30 percent and 35 percent of the total waste stream for the unincorporated county and the City of St. Helena respectively.

It has been established by the Board staff that grape pomace is an industrial waste type which is normally disposed of in Napa County (CCR Section 18720). As such, the diversion of grape pomace through composting may be used in calculating AB939 baseyear solid waste generation rates and it may be credited toward the jurisdiction's achievement of the California Integrated Waste Management Act's waste diversion mandates (PRC Section 41780).

Based on review of the proposed permit, Board staff finds that the proposed permit will not prevent or impair the jurisdictions' achievement of AB 939 diversion goals (PRC 44009);

PRC 50000: CONSISTENCY WITH THE CoSWMP

The UVRDSCF is identified in and operates in compliance with the Napa County 1987 Solid Waste Management Plan (approved by the Napa County Board of Supervisors, February 19, 1988) and therefore meets the requirements of PRC 50000.

PRC 50000.5: CONFORMANCE WITH THE GENERAL PLAN

The UVRDSCF is identified in and operates in compliance with the Napa County General Plan (adopted by the Napa County Board of Supervisors, June 7, 1983 and amended on November 25, 1986) and therefore meets the requirements of PRC 50000.5.

If you have any questions related to this matter, please contact Steve DeMello at 255-2426.

cc: Steve DeMello

California Integrated Waste Management Board
Permit Decision No. 94-73
July 27 and 28, 1994

WHEREAS, Upper Valley Disposal Service owns and operates the Upper Valley Composting Facility; and

WHEREAS, the Napa County Department of Environmental Management, acting as the Local Enforcement Agency (LEA), issued a Notice and Order that required the operator to submit an application for a Solid Waste Facility Permit; and

WHEREAS, The San Francisco Bay Regional Water Quality Control Board (RWQCB), on November 16, 1993, sent a letter to the operator stating that they "do not intend to issue waste Discharge Requirements for the subject facility and therefore waive requirements under Title 23, Chapter 15, of the CCR"; and

WHEREAS, the Napa County Conservation, Development, and Planning Department, the lead agency for CEQA review, prepared an Environmental Impact Report (EIR) for the proposed project; and Board staff provided comments to the County on August 27, 1993; and the proposed project will have a significant effect on the environment; and mitigation measures were incorporated into the approval of the proposed project; and the Napa County Board of Supervisors adopted the Final EIR (SCH# 92123072) on February 22, 1994; and the Napa County Board of Supervisors adopted Findings of Overriding Consideration on March 29, 1994; and

WHEREAS, the Napa County Board of Supervisors, on June 14, 1994, adopted Conditional Use Permit #92-061-UP; and

WHEREAS, on April 5, 1994, the Bay Area Air Quality Management District (BAAQMD) received an application from the operator for a Permit to Operate machinery required for composting operations; and

WHEREAS, on April 20, 1994, the operator submitted an application to the BAAQMD for Authority to Construct and Operate machinery to separate and dry grape seeds from compost feedstock; and

WHEREAS, the LEA has submitted to the California Integrated Waste Management Board (Board) for its review and concurrence in, or objection to, a new Solid Waste Facilities Permit for the Upper Valley Compost Facility; and

WHEREAS, the project description in the CEQA document is consistent with the proposed permit; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design and operation in compliance with State Minimum Standards; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the County General Plan, and compliance with CEQA; and

WHEREAS, there is no evidence in the record to indicate that the issuance of the permit would prevent or substantially impair the jurisdictions' achievement of the diversion requirements prescribed in Public Resources Code Section 41780; and

WHEREAS, the most recent joint Board/LEA inspection, conducted on June 30, 1994, documented one violation of State Minimum Standards (14 CCR 17483 - Station Security); and

WHEREAS, the LEA has since documented that the operator has installed adequate site security at the south boundary of the site; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 28-AA-0026.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27 and 28, 1994.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 20, 1994

AGENDA ITEM 8

ITEM: Consideration of Concurrence in the Issuance of a New
Solid Waste Facilities Permit for the Ord Ranch
Transfer Station, Butte County

BACKGROUND:

Facility Facts

Name: Ord Ranch Transfer Station,
Facility No. 04-AA-0003

Facility Type: Existing Small Volume Transfer Facility

Location: Ord Ranch Road, Gridley

Area: One acre

Setting: Zoning of the site is Industrial (M-2)
Zoning of all adjacent and surrounding land
is Agricultural

Permitted
Tonnage: Permitted to receive 12.5 tons per day; is
operating under a Notice and Stipulated Order
of Compliance which allows the facility to
accept waste quantities in excess of 12.5
tons (over 100 cubic yards per day at 8 cubic
yards per ton)

Operational
Status: Active, permitted

Operator: Yuba Sutter Disposal, Inc.
Mr. Remo Scocci, Regional Manager

Owner: Butte County Public Works
Mr. Mike Pyeatt, General Service Director

LEA: Mr. Charles Bird, Director
Solid Waste Management Program,
Butte County Department of Public Health

Proposed Project

The proposed permit will incorporate a new operator, the Yuba Sutter Disposal, Inc., to the terms and conditions of the Solid Waste Facility Permit. The proposed project will also allow an

increase in the permitted tonnage from 12.5 tons to 64 tons per day, and the operation of a permanent household hazardous waste collection facility.

SUMMARY:

Site History The Ord Ranch Road Transfer Station was approved and built by Butte County, on county owned property, in 1970. It was originally permitted in 1978. For the past 12 years the site has been leased by the City of Gridley and operated by a private disposal company, Yuba Sutter Disposal, Inc (YSDI). This Company took over the operation of the site in the early 1980's.

Compliance History In order to allow the site to continue operating outside the terms and conditions of the 1978 permit, the LEA and operator agreed upon conditions which were incorporated into a Notice and Stipulated Order of Compliance (Order) which became effective on August 12, 1991. The terms of the Order allowed the facility to receive waste quantities in excess of 12.5 tons (over 100 cubic yards of waste per day at 8 cubic yards per ton). By the same order, the operator was also directed to begin an environmental review for the conversion of the facility into a large volume transfer station or revert back to operating the facility at levels consistent with the terms and conditions of the 1978 permit.

Project Description The facility is located on one acre of county owned land. The facility accepts mixed municipal solid waste. The facility will be permitted to receive a maximum of 64 tons per day. The transfer station is currently averaging a daily throughput of 55 tons.

Household hazardous waste will be accepted at a separate processing facility on site. The Household Hazardous Waste Collection Facility (HHWCF) will be opened on one Sunday per month, from 9:30 a.m. to 4:30 pm. The operator has received the appropriate approvals for the operation of the HHWCF.

During the week (Monday - Friday) the transfer station is open to the City of Gridley collection vehicles. The station is open to the public two days each week (Saturday and Sunday) from 9:30 a.m. to 4:30 p.m. There is an attendant on duty during the weekends.

Refuse handling at the facility will be as follows: Vehicles delivering waste will enter the site from the east side and unloaded directly onto drop boxes below the floor level. The vehicles will then exit from the west side. The refuse in drop boxes is hauled to the YSDI landfill for disposal on a daily basis.

Pre-sorted recyclable goods are purchased from the public. Used oil and auto batteries are accepted and delivered to commercial firms for reprocessing.

Environmental Controls Environmental control measures will be implemented to mitigate potential problems associated with the operations of this transfer station.

The open areas of the facility are either graveled or paved for dust control measures.

Litter control is achieved by care in unloading and by utilizing personnel to keep immediate areas clean. There is a fence surrounding the facility perimeter to contain windblown litter. The facility yard, driveways, and internal roads will be cleaned daily by facility personnel. All trucks and transfer trailers will be covered when traveling to and from the facility to prevent windblown litter.

Odor is not expected to be a problem at this facility because putrescible waste received at the transfer station will be removed within 24 hours.

Vector control will be accomplished by the frequent removal of waste and by ensuring that all areas of the site are cleared and cleaned daily.

Provisions for fire control include, fire extinguisher on site. Fire fighting equipment will be placed, inspected and maintained, as required by the LEA and County Fire Department.

Noise is not expected to be a problem at this facility since the nearest neighbor is 1/4 of a mile away.

A hazardous waste loadchecking program will be implemented at the facility to discourage illegal disposal of hazardous waste. If hazardous wastes are identified, they will be isolated and removed by a licensed firm.

Resource Recovery No scavenging by the public is permitted at the site, however containers for collection of various types of presorted recyclable materials are provided for use by the public. Containers are provided for glass, plastic, aluminum and other metals, newspaper, cardboard, tires, white goods, used oil and auto batteries. Additional information regarding resource recovery is provided in Attachment 4.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on July 1, 1994, the last day the Board may act is August 30, 1994.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the permit and supporting documentation, and have found them to be acceptable for the Board's consideration of concurrence. In making the determination the following requirements were considered:

1. Consistency with General Plan

The LEA has made the finding that the Butte County Planning Department determined that the facility is consistent with the County General Plan. Board staff agree with the stated finding.

2. Conformance with County Plan

The LEA has made the finding that the proposed project is in conformance with the Butte County Solid Waste Management Plan (CoSWMP) dated 1985. The facility is described on pages 26-27 of the CoSWMP. Board staff agree with the stated finding.

3. Consistency with Waste Diversion Requirements

Staff of the Board's Governmental and Regulatory Affairs Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair Butte County from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act

State law requires the preparation and certification of an environmental document whenever a project required discretionary approval by a public agency. The County of Butte Planning Department acting as the Lead Agency for the project prepared a Negative Declaration (SCH #93082061) for

the proposed project. The document was certified approved by the Lead Agency on May 5, 1993, and a Notice of Determinations was filed on March 3, 1994.

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with, and that the Negative Declaration is adequate and appropriate for the Board's use in evaluating the proposed project.

5. Compliance with State Minimum Standards

The LEA has made the determination that the facility's design and operation are in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on an inspection conducted May 11, 1994, and review of the submitted Report of Station Information and supporting documentation. Board staff agree with said determination.

STAFF RECOMMENDATION:

Because a new Solid Waste Facilities Permit is proposed, the Board must either concur with or object to the proposed permit as submitted by the LEA. Staff recommend that the Board adopt Permit Decision No. 94-55, concurring in the issuance of Solid Waste Facilities Permit No. 04-AA-0003.

ATTACHMENTS:

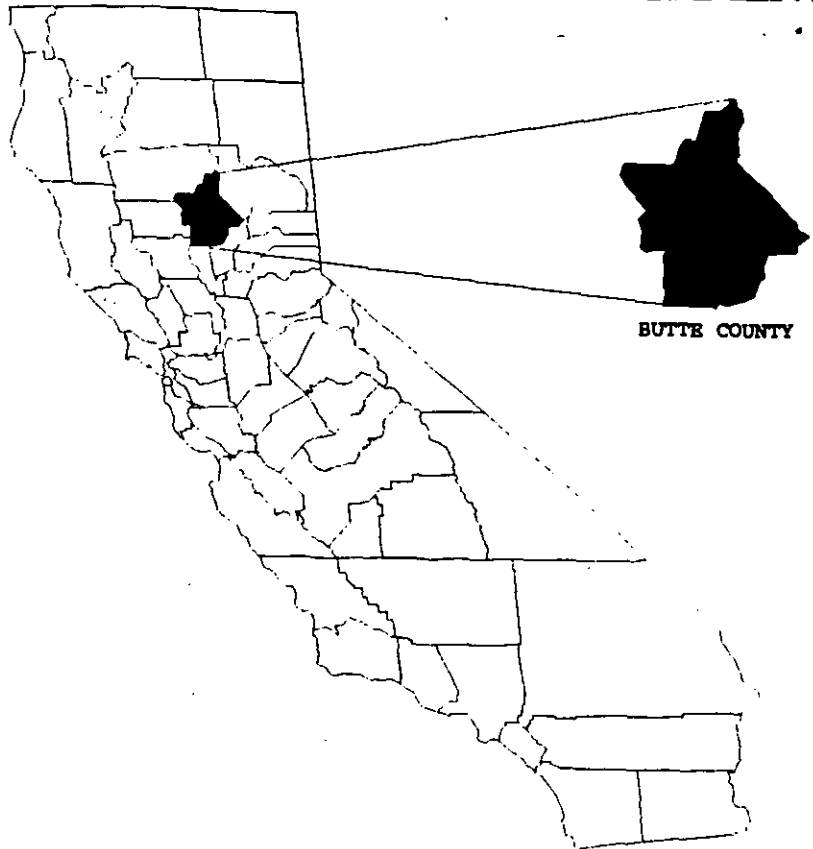
1. Location Map
2. Site Map
3. Permit No. 04-AA-0003
4. AB 2296 Finding of Conformance
5. Permit Decision No. 94-55

Prepared by: Beatrice Cuenca Poroli ^{3LP} Phone: 255-2331

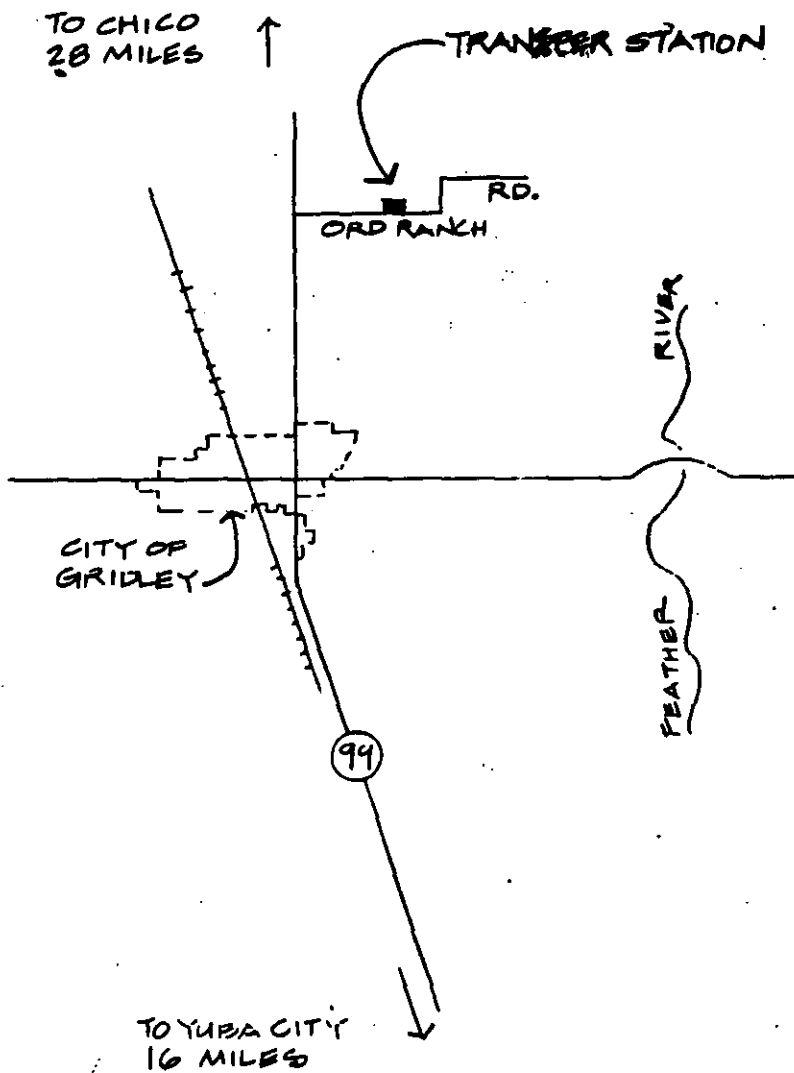
Reviewed by: Cody Begley/Don Dier, Jr. ^{c.b.} Phone: 255-2327

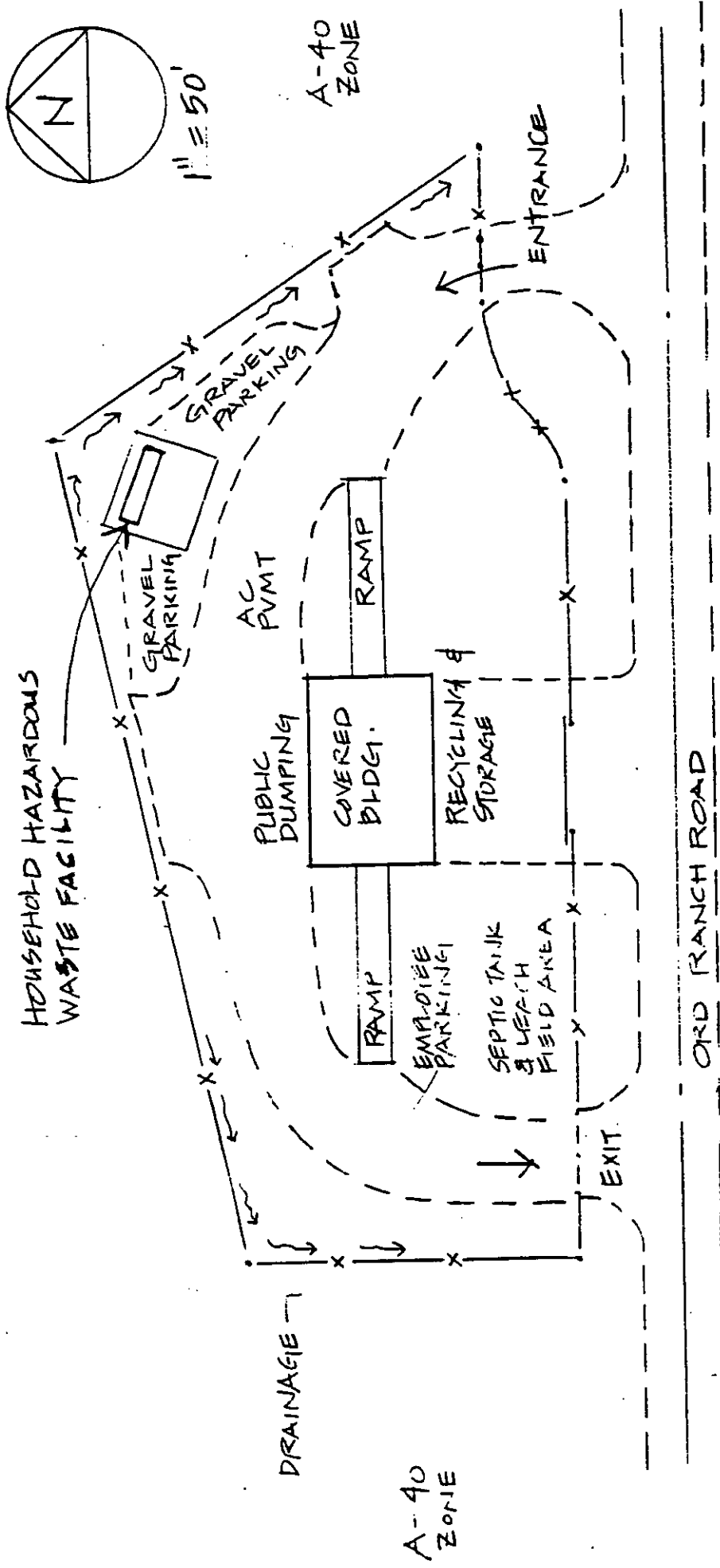
Approved by: Douglas Okumura ^{OK} Phone: 255-2431

ATTACHMENT 1



BUTTE COUNTY





A-40 ZONE

EXHIBIT "B"

ORD RANCH ROAD TRANSFER STATION

K. BURTON 88-121 2-24-93 5/3

1. Facility

04 - AA - 0003

SOLID WASTE FACILITY PERMIT

2. Name and Street Address of Facility:

Ord Ranch Road Transfer Station
Ord Ranch Road
Gridley, CA 95948

3. Name and Mailing Address of Operator:

Yuba - Sutter Disposal
Inc.
P O Drawer 6
Marysville, CA 95901

4. Name and Mailing Address of Owner:

Butte County Public Works
Dept.
7 County Center Drive
Oroville, CA 95965

5. Specifications:

a. Permitted Operations:

- ☐ Composting Facility
(mixed wastes)
☐ Composting Facility
(yard waste)
☐ Landfill Disposal Site
☐ Material Recovery
Facility

☐ Processing Facility☒ Transfer Station☐ Transformation Facility

☒ Other: Household Hazardous
Waste Collection Station

b. Permitted Hours of Operation:

9:30 am to 4:30 pm Saturday and Sunday
for public, 8:00am to 5:00pm weekdays for
City of Gridley

c. Permitted Tons per Operating Day:

Total: 64 Tons/Day

Non-Hazardous - General

60.75 Tons/Day

Non-Hazardous - Sludge

NA Tons/Day

Non-Hazardous - Separated or commingled recyclables

1.5 Tons/Day

Non-Hazardous - Other (See Section 14 of Permit)

1.5 Tons/Day

Designated (See Section 14 of Permit)

NA Tons/Day

Hazardous (See Section 14 of Permit)

0.25 Tons/Day

d. Permitted Traffic Volume:

Total: 65 Vehicles/Day

Incoming waste materials

58 Vehicles/Day

Outgoing waste materials (for disposal)

2 Vehicles/Day

Outgoing materials from material recovery operations

5 Vehicles/Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

Permitted Area (in acres)

Total	Disposal	Transfer	MRF	Composting	Transformation
<u>1.0</u> a	<u>N/A</u> a	<u>1.0</u> a	<u>N/A</u> a	<u>N/A</u> a	<u>N/A</u> a
Design Capacity	<u>N/A</u> cv	<u>96</u> tpd	<u>N/A</u> tpd	<u>N/A</u> tpd	<u>N/A</u> tpd
Max. Elevation (Ft. MSL)	<u>N/A</u> ft				
Max. Depth (Ft. BGS)	<u>N/A</u> ft				
Estimated Closure Date	<u>N/A</u>				

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, this permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supercede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Thomas Reid, Director

Name/Title

7. Local Enforcement Agency Name and Address:

Butte County Health Dept
1469 Humboldt Rd
Chico, CA 95928
ATTN: Charles W. Bird

8. Received by CIWMB:

JUL 1 1996

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

Facility/Permit Number:

04-AA-0003

SOLID WASTE FACILITY PERMIT**12. Legal Description of Facility (attach map with RFI):**

Southwest quarter of Section 30, T81N, R3E, MDM

13. Findings:

- a. This permit is consistent with the County/Solid Waste Management Plan or the County-wide integrated Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50001. Adopted by Butte County Board of Supervisors, Nov. 1, 1985
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.
- c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA.
- d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. Butte County Fire Marshall
- e. An environmental determination (i.e., Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to Public Resources Code, Section 21081.6. SCH# 93082.061
- f. A County-wide Integrated Waste Management Plan ~~has~~ has not been approved by the California Integrated Waste Management Board.
- g. The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Charles W. Bird. Public Resources Code, Section 50000.5(a)
- h. The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b) Butte County Planning Dept., Dec. 1991

14. Prohibitions:

The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

Agricultural/Food processing wastes containing less than 50% liquids, tires, used oil, household hazardous waste. Appliances (white goods) must have freon removed prior to removal from station.

The permittee is additionally prohibited from the following items:

Friable asbestos, dead animals, medical waste, liquid slurries, septic tank pumpings and sewage sludge.

15. The following documents also describe and/or restrict the operation of this facility (Insert document date in spaces):

<input checked="" type="checkbox"/> Report of Facility Information	Date: <u>9-17-93</u>	<input checked="" type="checkbox"/> Contract Agreements - operator and	Date: <u>7-1-89</u>
<input checked="" type="checkbox"/> Land Use Permits and Conditional Use Permits	<u>HMWF CUP 12-11-91</u>	<u>90-33 contract</u>	
<input type="checkbox"/> Air Pollution Permits and Variances	<u>N/A</u>	<input type="checkbox"/> Waste Discharge Requirements	<u>N/A</u>
<input checked="" type="checkbox"/> EMR Negative Declaration	<u>5-5-93</u>	<input type="checkbox"/> Local & County Ordinances	<u>N/A</u>
<input checked="" type="checkbox"/> Lease Agreements - owner and operator	<u>4-21-92</u>	<input type="checkbox"/> Final Closure & Post Closure Maint. Plan	<u>N/A</u>
<input type="checkbox"/> Preliminary Closure/Post Closure Plan	<u>N/A</u>	<input type="checkbox"/> Amendment to RFI	<u>N/A</u>
<input type="checkbox"/> Closure Financial Responsibility Document	<u>N/A</u>	<input checked="" type="checkbox"/> Other (list): <u>Variance</u>	<u>9-11-92</u>
		<u>#CAH 777000367</u>	

cwrts2.ssm

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

04-AA-0003

16. Self-Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

Program	Reporting Frequency	Agency Reported To:
Quantities of waste materials accepted including solid waste, recyclables, white goods and household hazardous waste.	Monthly	Butte County Solid Waste Manager LEA
All incidents of unlawful disposal of prohibited materials plus a summary of actions taken by the operator regarding each incident.	Quarterly	LEA
Copies of all written complaints regarding the transfer station and the operator's actions taken to resolve any justified complaints.	Monthly	LEA
All special/unusual occurrences and any action taken by the operators.	Monthly	LEA
Number of vehicles using the facility.	Quarterly	LEA
Training of station attendants in load checking and safety	Semi-Annually	LEA

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

04-AA-0003

17. LEA Conditions:

A. Requirements:

1. This facility shall comply with all State Minimum Standards for solid waste handling and disposal.
2. This facility shall comply with all Federal, State, and local requirements.
3. The operator shall maintain a copy of this permit at the facility so as to be available at all times to facility personnel and to enforcement agency personnel.
4. Additional information concerning the design and operation of this facility shall be furnished on request of the enforcement agency.
5. The operator shall comply with all Notices and Orders issued by the enforcement agency.
6. The operator shall notify the LEA in writing at least 120 days prior to any changes in operation.
7. All household hazardous waste shall be confined to the on-site household hazardous waste module.
8. This station shall be open to the public only on week-ends and during the designated hours. An attendant shall be on duty at all times during the hours of operation.

SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

04-AA-0003

LEA Conditions:

B. Provisions:

1. Putrescible material shall remain at the station no longer than 24 hours. Inert material shall be stored no longer than six (6) days.
2. The maximum storage period for recyclables is 30 days. All recyclables shall be contained in bins.
3. The operator shall maintain signs indicating the materials accepted at the site.
4. The operator shall maintain a special occurrences log at the station.
5. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.
6. The operator shall comply with the requirements of all applicable laws pertaining to employee health and safety; the operator is to have a written safety plan available for review at the facility.
7. Facility permitted to receive maximum 64 tons/day, and shall not exceed without review of permit.

State of California

California Environmental
Protection Agency

MEMORANDUM

To: Beatrice Poroli
Permits Branch, North
Permitting and Enforcement Division

Date: July 6, 1994

From:

Alan P. White
Alan White
Office of Local Assistance, Northern Section
Governmental & Regulatory Affairs Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: REVIEW OF THE PROPOSED PERMIT FOR THE ORD RANCH ROAD
TRANSFER STATION, FACILITY NO. 04-AA-0003 FOR CONFORMANCE WITH AB
2296

The proposed project involves a new permit for the Ord Ranch Road Transfer Station located in Butte County, approximately one mile east of the City of Gridley. The 1.1 acre site has been in use since 1972. Its primary service area is the southern portion of Butte County, and the towns of Biggs and Gridley.

The proposed project revision includes a request to increase the maximum tonnage from 25 to 96 tons per day (TPD); and to add a household hazardous waste collection facility.

SUMMARY OF CONCLUSIONS

Based upon the review of the submitted documents, the proposed permit revision conforms with the provisions of AB 2296 as follows:

1. The permit is consistent with the State's waste diversion requirements (PRC 44009).
2. The facility is in conformance with the County's Solid Waste Management Plan (CoSWMP) (PRC 50000).
3. The facility is consistent with the County's General Plan (PRC 50000.5).

PRC 44009: WASTE DIVERSION REQUIREMENTS

The County's draft Source Reduction and Recycling Element (SRRE) describes the programs which the County will use to achieve the diversion goals established by AB 939. The County expects to meet a 1995 diversion rate of 25% through a combination of local and regional source reduction, recycling and composting programs.

Board staff have reviewed the proposed permit and the draft Source Reduction and Recycling Element for the Butte County. Based on this review and in consultation with the Butte County Local Task force, Board staff finds that the proposed permit revision for the Ord Ranch Road Transfer Station will not prevent or impair the jurisdiction's achievement of AB 939 diversion goals.

PRC 50000: CONFORMANCE WITH THE CoSWMP

The Ord Ranch Road Transfer Station was identified and described in the 1975 and 1985 versions of the Butte County Solid Waste Management Plan (CoSWMP). The proposed facility (then referred to as Biggs-Gridley Transfer Station) was included on page 26-27 of the CoSWMP, and therefore meets the requirements of PRC Section 50000.

PRC 50000.5: CONSISTENCY WITH THE GENERAL PLAN

In June 1990, the Butte County Planning Department found that the proposed landfill was consistent with, and designated in, the Butte County General Plan. This information was verified by Charles W. Bird of the Butte County Health Department.

California Integrated Waste Management Board
Permit Decision No. 94-55
July 27 & 28, 1994

Whereas, the Local Enforcement Agency (LEA), Butte County Department of Environmental Health Services, in the course of their duties made the finding that the facility operator is no longer the entity listed in the SWFP and furthermore, determined that significant changes have occurred at the Ord Ranch Transfer Station which require the issuance of a new Solid Waste Facilities Permit (SWFP); and

WHEREAS, the LEA issued a Notice and Stipulated Order of Compliance on August 12, 1991; and

WHEREAS, the Notice and Stipulated Order of Compliance mandated the operator to obtain a new Solid Waste Facilities Permit while allowing the facility to operate in the interim; and

WHEREAS, Butte County Department of Environmental Health Services acting as Local Enforcement Agency, submitted to the Board for its review and concurrence in, or objection to, a new Solid Waste Facility Permit for the Ord Ranch Transfer Station; and

WHEREAS, the proposed permit will incorporate a new operator, Yuba Sutter Disposal, Inc. to the terms and conditions of the SWFP; increase the total permitted tons per day from 12.5 to 64; and include a household hazardous waste collection facility; and

WHEREAS, the Butte County Planning Department (County), the Lead Agency for CEQA review, prepared a Negative Declaration for the proposed project and Board staff reviewed the Negative Declaration as it pertains to the proposed project; and the proposed project will not have a significant effect on the environment; and mitigation measures were not made a condition of the approval of the proposed project; and the County did not adopt a Statement of Overriding Considerations; and the County filed a Notice of Determination with the County Clerk on March 3, 1994; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act; and

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 04-AA-0003.

Relis Test

Concurring in Permit would

- 1) make it Better
- 2) keep it same
- 3) make it worse

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27 & 28, 1994.

Dated:

Ralph E. Chandler
Executive Director

- copy of letter to Relis
- Compliance history
- LEA discovered 1991
taking sludge
+ wrote NFO. Lots of them

Edwin Seth Brown
Val Verde Resident

Sludge - Near Community - a hazard + nuisance
- Community not informed of process

Shocked about putting U2 zone next to landfilled

Nov. 95 Final Plan for Closure

P. 146 Permit addressed

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Val Verde

Permitting and Enforcement Committee
July 20, 1994

AGENDA ITEM

Item 9.23

1987 permit
Operator

① Change in
② acceptance of Sludge

833 tpd

ITEM:

Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Chiquita Canyon Landfill, Los Angeles County

WDR - specify conditions

BACKGROUND:

Facility Facts

Name: Chiquita Canyon Landfill
Facility No. 19-AA-0052

Facility Type: Existing Class III Landfill

Location: 29201 Henry Mayo Drive
Valencia, California

Area: 592 acres of which 154.3 acres will be filled, from the final grading plan approved by the Conditional Use Permit (CUP), Case No. 1809-5, in 1992.

Setting: Land use within one mile of the landfill boundary is residential, recreational, industrial and agricultural. About 74% of the approximately 4,400 acres within one mile of the landfill is comprised of vacant land.

Permitted Tonnage: Maximum daily rate of 5,000 tons per day and a CUP, Case No. 1809-5 requirement of maximum total inflow during the life of the project of 5.3 million tons.

Operational Status: Active, permitted. Currently under the terms and conditions of the May 5, 1987 permit and the most recent Tenth Amended, Notice and Order of June 1, 1994.

Waste Type: Waste stream received consists of residential and commercial wastes from transfer stations, industrial and demolition debris wastes, and dewatered wastewater treatment plant sewage sludge.

GSX Regional LF Inc.
to
Landlaw Waste Systems Inc.

833
Sludge

**Volumetric
Capacity:**

The remaining capacity for refuse as of February 26, 1994 is approximately 4,094,861 cubic yards (2,764,000 tons). The current CUP expires on November 24, 1997.

The maximum elevation of the refuse fill area allowed by the CUP is 1,250 feet above mean sea level in the Primary Canyon and 1,220 feet above mean sea level in all other canyons.

Owner:

Newhall Land and Farming Company
Donald L. Puente, Assistant Secretary

Operator:

GSX Regional Landfill, Inc.,

LEA:

Mr. Richard Hanson, Director
Los Angeles County Department of Health
Services, Solid Waste Management Program

Proposed Project

The proposed permit will incorporate the following:

1. A change of operator. The new operator is Laidlaw Waste Systems, Inc.
2. The acceptance of sewage sludge, consistent with the terms of the Waste Discharge Permit from the Los Angeles Regional Water Quality Control Board.

SUMMARY:

Site History Waste disposal operations at the Chiquita Canyon Landfill started circa 1970. Originally, the landfill was operated by the Chiquita Canyon Landfill Company, which then was a division of the Blue Barrel Disposal Company, under a lease agreement from the Newhall Land and Farming Company. The GSX Corporation acquired the Chiquita Canyon Landfill lease interest in 1985. The lease agreement was subsequently acquired by Laidlaw Waste Systems, Inc. (LWS), from GSX Corporation in 1986. LWS currently continues to operate the landfill under a lease agreement from Newhall Land and Farming Company. Ever since

1991, when the LEA conducted a review of the records at the Landfill, LWS has been operating the site under a Notice and Order from the LEA for operating the landfill outside the terms and conditions of the permit. Specifically, the violations that were identified by the LEA were, operating the landfill without a permit, authorized pursuant to a Solid Waste Facilities Permit issued by the enforcement agency and the receipt of sewage sludge with moisture content of higher than 50%. The Notice & Order has been amended ten times. The Notice and Order was initially issued for a span of 120 days. The LEA then monitored the operator's progress towards the submission of an application for a new SWFP. These included, among other things, the preparation of the CEQA document, obtaining all related permits, the drafting of the Report of Disposal Site Information, Closure and Postclosure Maintenance Plans, etc. Each time the LEA determined the operator was making progress the 120-day limit of the Notice and Order had elapsed. The LEA continued amending the Order to allow for additional time to achieve the desired goal.

Project Description The Chiquita Canyon Landfill is located in the northwestern portion of Los Angeles County. It is approximately 3 miles west of the intersection of Interstate 5 and State Route 126 (Castaic Junction) and lies on land owned by the Newhall Land Farming Company. Access to the site is from State Route 126, a two-lane, east-west running, paved rural highway. Most of the traffic entering the site generally arrives from an easterly direction. A right turn deceleration lane is provided for this traffic. The scalehouse is located approximately 400 feet from the highway which creates stacking space for numerous vehicles entering the site.

The Chiquita Canyon Landfill consists of five canyons: a Primary Canyon Landfill Area and four other Canyon Areas designated A, B, C, and D located to the north of the Primary Canyon. The total area of the landfill is 592 acres, of which 154 acres are designated for landfiling. The Primary Canyon Area and Canyon Area B have both been filled to capacity. Landfiling is currently taking place in Canyon Area C. Canyon Areas A and D are partially filled and will be filled to capacity as the landfill is brought to final grades.

Chiquita Canyon Landfill is operated as a modified "cut and cover side-hill" type of a canyon landfill operation. The soil excavated during such an operation is used as cover material. A typical landfill operation cycle at the Chiquita Canyon Landfill can be described as follows: All waste hauling vehicles are first weighed at the scales to determine the fees. From the scales to the disposal area, signs and pylons are used to direct traffic.

When unusual or non-typical routing is required, an employee is used to direct traffic to the disposal or other appropriate areas of the landfill. For safety purposes, spotters direct traffic at the working face and separate large commercial vehicles from the smaller private vehicles. After the refuse has been unloaded, it is spread and compacted in 2-foot thick layers on a 100 to 200-foot wide working face. Compaction equipment traverses the entire length of the working face to obtain adequate compaction of the waste. At the end of the day the required amount of cover material is placed over the compacted refuse.

The waste quantity received at the Chiquita Canyon Landfill is subject to fluctuations as a result of landfill closures in the surrounding areas, disposal fee increases, or other factors. In 1988, the gate records indicated that the landfill received an average of 4,500 tons per day of solid waste. In 1989, due to an increase in disposal fees, the quantity of waste received decreased to an average of 1,500 tons per day. In 1991, the average waste disposal rate was approximately 2,350 tons per day. The site, however, is permitted to receive waste quantities of up to 5,000 tons per day.

Approximately 87 acres, contained in Canyon Areas A, C, and D remain to be filled. As of February 26, 1994, the estimated fill space remaining for refuse is 4,094,861 cubic yards (or about 2,764,000 tons). At the projected rate of daily waste receipt of 1,500 tons and 307 operating days per year, the estimated site life is six years (or closure by about March 2000). The current Conditional Use Permit (CUP) for the site expires on November 24, 1997.

The Chiquita Canyon Landfill is permitted to operate 24 hours per day, seven days per week. Currently, the site is open to accept wastes between 4:30 a.m. and 5:00 p.m., Monday through Saturday. There are provisions also to accept wastes at other times of the day through special approval from the site operator. In the event night disposal is requested, it is limited to a maximum of 15 commercial haulers in accordance with the site's CUP.

Environmental Controls Several environmental control measures to minimize potential impacts of the landfill operations are employed at the Chiquita Canyon Landfill. The control measures that are currently employed at the landfill include those that have been implemented to control dust, odor, litter, vectors, noise and fire.

Dust and odor are controlled by the implementation of the following operational procedures: the proper maintenance of haul

roads (grading and watering); the frequent application of fine mists of water and dust palliatives on wastes, soil-covered work areas, excavation areas, and stockpile areas where conditions may cause the formation of fugitive dust; the timely placement of intermediate and final covers over the refuse fill; the application of water to intermediate soil cover when conditions might cause recurrent problems with fugitive dust; and the planting and maintenance of vegetative cover on completed fill slopes. The low-permeability soil layer in the final cover effectively control odors at the completed portions of the landfill.

Litter is controlled by a litter pickup crew that cover the entire active landfilling and surrounding areas. The operational procedures also call for the crew to regularly monitor Highway 126 between Interstate 5 and Chiquita Canyon Road, the site entrance. Litter fences are also used in areas downwind from the working face to capture windblown litter.

Proper compaction and application of the required daily cover serve to control fly and rodent vectors. These practices of landfill operation deny fly and rodent vectors both habitat and food thereby eliminating the consequences of their effects. For the control of seagulls, which are generally present during the winter months, the work area is kept to a minimum and site personnel utilize hand held devices to launch whistling and popping projectiles which frighten and deter the birds from the working areas during active disposal operations.

The topography of the site aids in containing the noise generated from the landfill operations within the site boundaries. Noise levels of on-site equipment are controlled by the proper maintenance of mufflers on the equipment. Site personnel are also provided with hearing protection devices.

Any fire that occurs on the landfill will be extinguished by landfill personnel using appropriate landfill fire suppression equipment. A water truck is used for fire control and soil cover may also be stockpiled for this purpose, when necessary. Site equipment is kept clean and in good repair for fire protection reasons. All landfill equipment is provided with portable fire extinguishers for effective fire control. There is also an established emergency response procedure in the event of a fire at this site.

Resource Recovery Programs Current resource recovery operations at this landfill consist of limited recovery of green waste (tree trimmings, non-contaminated wood construction debris, and yard waste). These recovered materials are placed in roll-off containers and transported to an off-site composting facility by a local refuse hauler. Additional information on resource recovery is contained in Attachment 4.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a solid waste facilities permit. Since the permit was received on July 6, 1994, the last day the Board could act is September 4, 1994.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Consistency with General Plan

The LEA has determined that the Chiquita Canyon Landfill is consistent with the Los Angeles County of General Plan. By issuing CUP, No. 1809-(5), the County Department of Regional Planning determined that the facility will not be in substantial conflict with the County-wide and Area General Plan. The Department of Regional Planning further made a written finding that the surrounding land use is compatible with the operations of this facility. Board staff agree with the stated determination.

2. Conformance with County Plan

The LEA has found that the site is in conformance with the Los Angeles County Solid Waste Management Plan (CoSWMP). This existing site is found and described in the latest version of the CoSWMP, Triennial Review, Volume I, Nonhazardous Element, dated March 1984, and Revision A, dated August 1985. The Finding of Conformance for the latter changes, such as the change in operator, were approved by the Los Angeles County Solid Waste Management Committee, Integrated Waste Management Task Force on January 22, 1987. Board staff agree with the stated finding.

3. Consistency with Waste Diversion Requirements

Staff of the Board's Governmental and Regulatory Affairs Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair the achievement of the waste diversion requirements of AB 939. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act

State law requires the preparation, findings of significance and a determination of completeness of an environmental document and adoption of a mitigation reporting or monitoring program (MRMP) when mitigation is proposed.

The County of Los Angeles, Department of Health Services, Solid Waste Management Program (County), acting as Lead Agency prepared a Negative Declaration (ND), SCH #92051028, for the proposed project. The document was certified on September 9, 1992, and a Notice of Determination (NOD) was filed by the Lead Agency on October 6, 1992.

After reviewing the environmental documentation for the project, Board staff have determined that CEQA has been complied with, and that the ND is adequate and appropriate for the Board's use in evaluating the proposed permit.

5. Consistency with State Minimum Standards

The facility's proposed design and operation as described in the Report of Disposal Site Information, Volumes I & II, and addenda thereto, are for the most part, consistent with the State Standards for Solid Waste Handling and Disposal. However, the following violation remains outstanding:

- a) As described in the site history portion of this agenda item, the site since 1991, has been operated under a Notice & Order, for site operations without a SWFP issued by the enforcement agency. This is a violation of Public Resources Code, Section 44002.

This violation will be corrected upon Board concurrence with the proposed permit and its subsequent issuance by the LEA.

- b) On May 18, 1994, staff of the Board's Enforcement Branch conducted an inspection at the site and identified one violation of State Minimum Standards, that of landfill gas in excess of the lower explosive limit at the property boundary. This is a violation of Title 14, California Code of Regulations (CCR), Section 17258.23.

In the proposed permit, the LEA has certified that the site is in compliance with the State Minimum Standards for Solid Waste Handling and disposal, except for the above listed violation. The LEA recognizes the outstanding violation and has issued the operator a Notice of Violation to address the infraction. Despite the outstanding violation, the LEA submitted the proposed permit because, as they stated, the violation does not constitute a significant threat to public health and safety or the environment. In support of this position, the LEA provided the following reasons:

1. The landfill is located in a sparsely populated area;
2. The distance to the nearest off-site occupied structure from the point of violation is approximately 4,400 feet; and
3. The elevation of the point of violation is several hundred feet above the nearest off-site structure.

Furthermore, it is the LEA's position that the operator has taken measures to abate the violation by evaluating the current landfill gas monitoring program to determine what changes should be made to more effectively monitor for landfill gas migration at the property boundary and to implement the changes in consultation with the LEA and the South Coast Air Quality Management District. There is also a proposed Corrective Action Plan (CAP) that was first requested by the Regional Water Quality Control Board due to the detection of Volatile Organic Contaminants above maximum contaminant levels in the groundwater monitoring well DW-1, and has been conditionally approved. The LEA believes that the CAP will also have a positive effect on the landfill gas at the property boundary. The LEA has, in addition to the requirements

of the CAP, requested and the operator has agreed, to provide additional boundary probes, in order to verify compliance at the landfill boundary.

Board staff are in complete agreement with the LEA's stipulations that the violation does not constitute a significant and immediate threat to public health and safety and the environment, and that the existing measures of the CAP, additional probes, and further evaluations of the landfill gas monitoring system will achieve the desired goal of compliance with the State Minimum Standards.

6. Closure/Postclosure Maintenance Plans and Financial Mechanisms

Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.4, Section 18268 requires Closure and Postclosure Maintenance Plans for landfills. The required preliminary closure and postclosure maintenance plans for the Chiquita Canyon Landfill were submitted and deemed complete by the Board's Closure and Remediation Branch in July 1993, with revisions in January and February, 1994.

Staff of the Board's Financial Assurances Section have evaluated the Letter of Credit that has been established by the Laidlaw Waste Systems, Inc., for the closure and postclosure maintenance costs of the Chiquita Canyon Landfill. The established financial mechanism meets the requirements of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.5, Section 18287. Furthermore, given the capacity data and current closure and postclosure cost estimates provided by the operator, the amount of coverage for closure and postclosure maintenance are at an acceptable level consistent with 14 CCR, Section 18282, as determined by staff of the Board's Financial Assurances Section on March 24, 1994.

7. Operating Liability

Laidlaw Waste Systems, Inc., has demonstrated operating liability coverage for the Chiquita Canyon Landfill as part of the Operating Liability Insurance Requirement. The submitted Certificate meets the requirements of Title 14 CCR, Division 7, Chapter 5, Article 3.3, Section 18236 and was deemed acceptable by staff of the Board's Financial Assurances Section on October 16, 1992.

STAFF RECOMMENDATION:

Because a new Solid Waste Facilities Permit has been proposed, the Board must either concur with or object to the proposed permit as submitted by the LEA. Staff is in agreement with the LEA's position that there is no significant and immediate threat to public health and safety or the environment from the identified violation. Staff is further in agreement with the LEA that the violation is adequately being addressed to secure compliance. Staff therefore, recommend that the Board adopt Permit Decision No. 94-70 concurring in the issuance of Solid Waste Facilities Permit No. 19-AA-0052.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 19-AA-0052
4. AB 2296 Findings
5. Permit Decision No. 94-70

Prepared By: Tadese Gebre-Hawariat ^{7/8/94} Phone: 255-2364

Reviewed By: S. Talams/D. Diet Jr. ^{7/8/94} Phone: 255-2362/255-2453

Approved By: Douglas Okumura ⁷⁻¹¹⁻⁹⁴ Phone: 255-2431

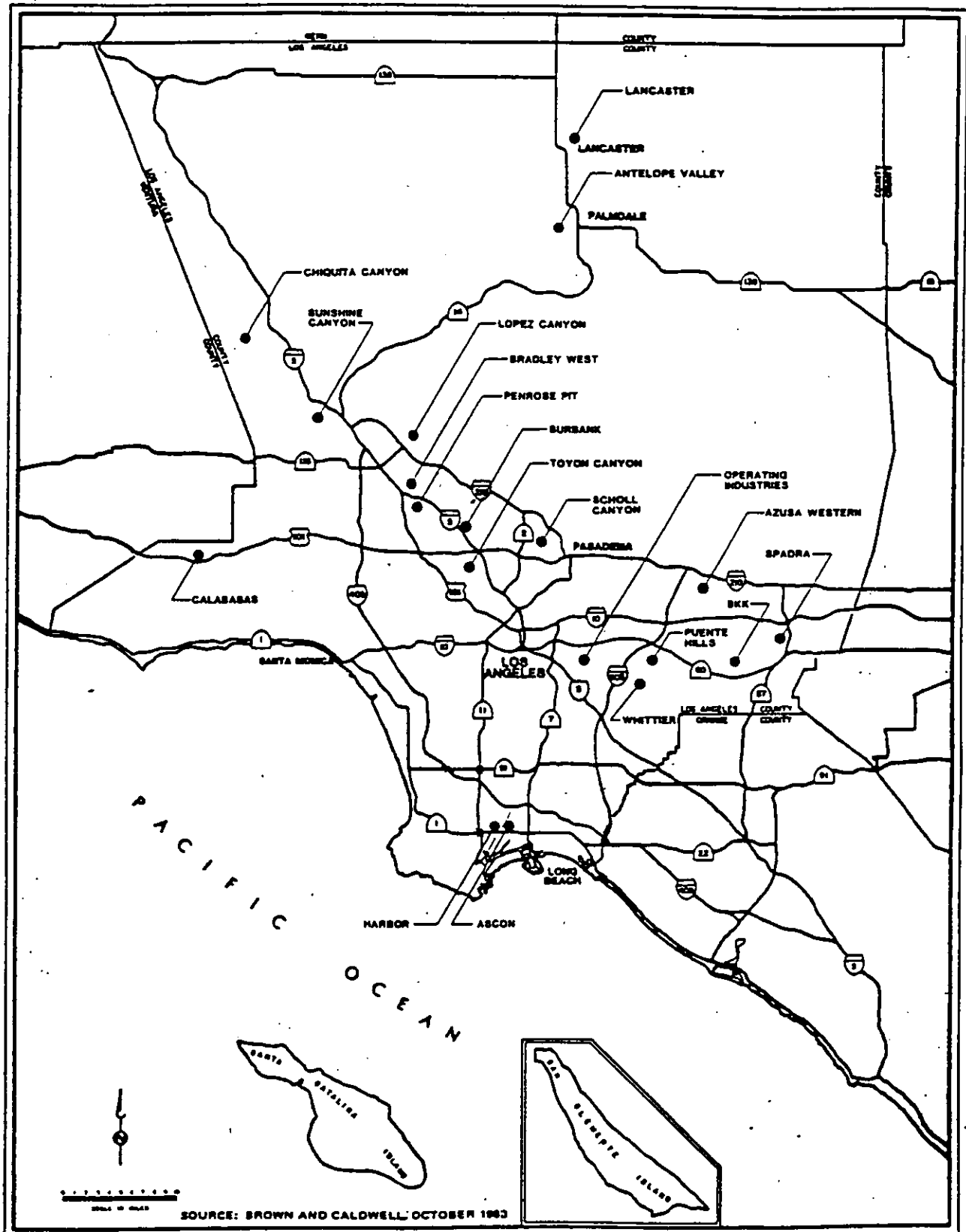
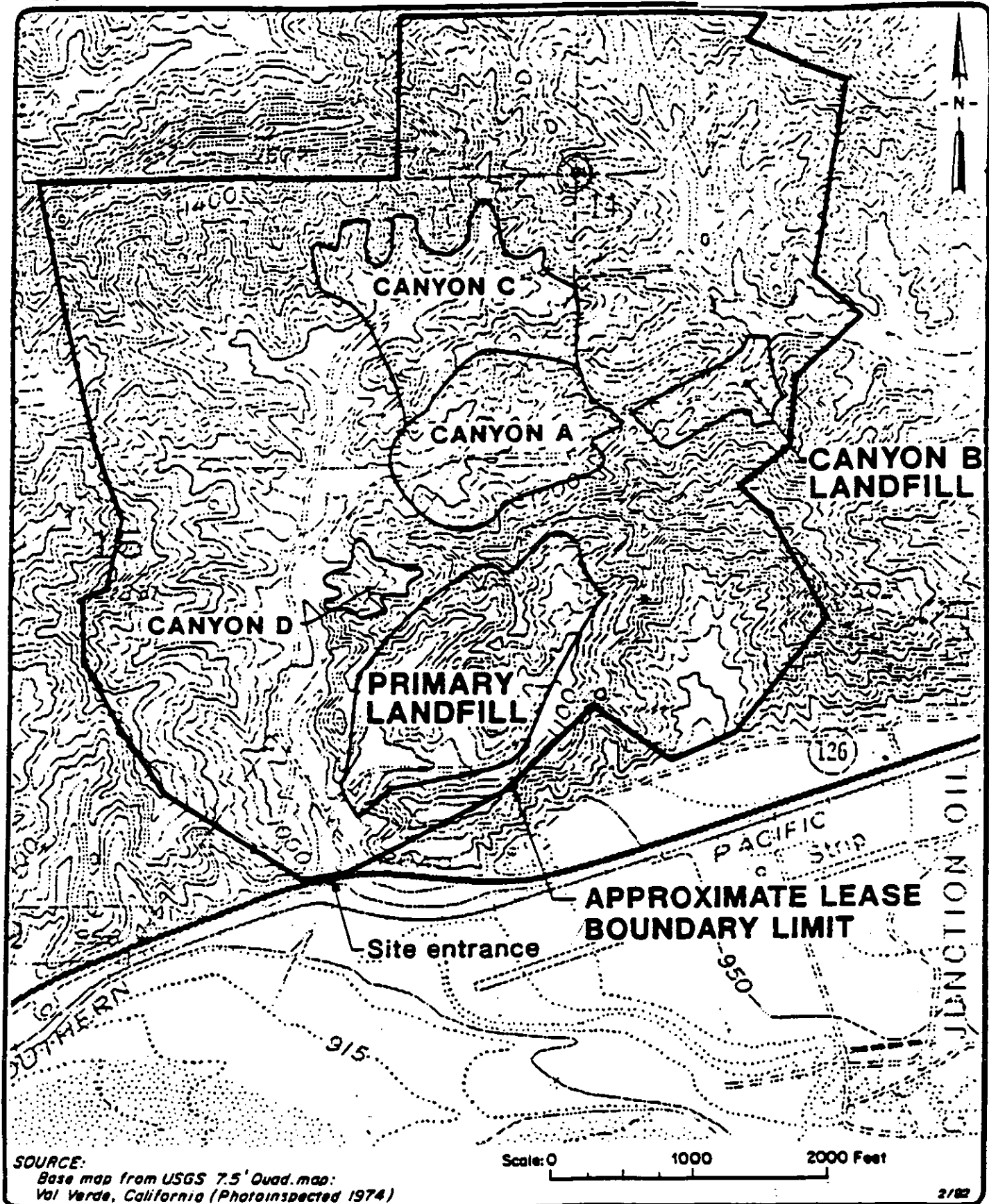


Figure 3-1 Locations of Major ClassIII Landfills in Los Angeles County

140

120120



Emcon
Associates

LIDLAW WASTE SYSTEMS, INC.
CHIQUITA CANYON LANDFILL
LOS ANGELES COUNTY, CALIFORNIA

LANDFILL AREA LOCATION MAP

FIGURE

5

PROJECT NO.
976-03.09

CITE: 144D

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SOLID WASTE FACILITY PERMIT

1. Facility Permit Number:
19-AA-0052

2. Name and Street Address of Facility:

3. Name and Mailing Address of Operator:

4. Name and Mailing Address of Owner:

Chiquita Canyon Landfill
29201 Henry Mayo Drive,
Valencia, California 91355

Laidlaw Waste Systems (Chiquita), Inc.
29201 Henry Mayo Drive,
Valencia, California 91355
Rodney W. Walter II, General Mgr.

Newhall Land & Farming Co.
23823 Valencia Blvd
Valencia, California 91355
Donald Puente, Assistant Secretary

5. Specifications:

a. Permitted Operations:

- | | |
|--|--|
| <input type="checkbox"/> Composting Facility (mixed waste) | <input type="checkbox"/> Processing Facility |
| <input type="checkbox"/> Composting Facility (yard waste) | <input type="checkbox"/> Transfer Station |
| <input checked="" type="checkbox"/> Landfill Disposal Site | <input type="checkbox"/> Transformation Facility |
| <input type="checkbox"/> Materials Recovery Facility | <input type="checkbox"/> Other: _____ |

PROPOSED

b. Permitted Hours of Operation:

- ◆ Landfill and Ancillary Operations 24 hours per day.
- ◆ Receipt of Refuse 24 hours per day (maximum of 15 commercial haulers at night).
- ◆ Open To Public Daylight hours.

c. Permitted Tons per Operating Day: Total: 5000 Tons/Day

- Non-hazardous - Refuse 5000 (including sludge) Tons/Day
- Non-hazardous - Sludge (See Section #14 of Permit) Max. 833 Tons/Day
- Non-hazardous - Separated or Co-mingled Recyclable Tons/Day
- Non-hazardous - Other (See Section #14 of Permit) Tons/Day
- Designated Waste (See Section #14 of Permit) Tons/Day
- Hazardous Waste (See Section #14 of Permit) Tons/Day

d. Permitted Traffic Volume: Total: N/A Vehicles/Day

- Incoming Waste Materials N/A Vehicles/Day
- Outgoing Waste Materials (for disposal) N/A Vehicles/Day
- Outgoing Materials from the materials recovery operations N/A Vehicles/Day

e. Key Design Parameters (detailed parameters are shown on site plans):

	Total	Disposal	Transfer	MRF	Composting	Transformation
Permitted Area (acres)	592	154	N/A a	N/A a	N/A a	N/A a
Remaining Capacity		5,709,000 cubic yards as of 02/26/94	N/A tpd	N/A	N/A tpd	N/A tpd
Max. Elevation (ft. MSL)		*1,250 ft. *See Condition # C-5				
Max. Depth (ft. BGS)		250 ft.				
Estimated Closure Date		Closure: approx. March 2000 @ 1,500 tpd*. *See Condition # C-9				

This permit is granted solely to the operator named above and is not transferable. Upon a change of operator, this permit is no longer valid. Furthermore, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Name/Title

7. Local Enforcement Agency Name and Address:

County of Los Angeles
Department of Health Services
Solid Waste Management Program
2525 Corporate Place, Suite 150
Monterey Park, California 91754

9. CIWMB Concurrence Date:

Received by CIWMB:

JUL 6 1994

10. Permit Review Due Date:

11. Permit Issued Date:

SOLID WASTE FACILITY PERMIT

FACILITY NAME: Chiquita Canyon Sanitary Landfill

SWFP No.: 19-AA-0052

Page 2 of 7

PROPOSED**12. Legal Description of Facility (Refer to Appendix E of RDSI, Volume 2):**

The Southeast quarter of the SE quarter of Section 10; government lot 1 of Fractional Section 11; Fractional Section 14; that portion of Fractional Section 15, all in Township 4 N, Range 17 W, San Bernardino Meridian, according to the official plat of said land filed in the District Land Office; and those portions of lots 2 and 3 as shown on licensed surveyor's map recorded in Book 27 of Records Survey pages 22 through 26, inclusive, all in the unincorporated territory of the County of Los Angeles, State of California, Records of said county, described as a whole within boundaries (as described in RDSI, Appendix E).

13. Findings:

- a. The permit is consistent with the County Solid Waste Management Plan and a Finding of Conformance was approved on January 22, 1987 by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force. [Public Resources Code (PRC), § 50000 (a)(1)].
- b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Approximately .03% of the total refuse is clean green waste that is recycled. [PRC, § 44010].
- c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal, except for a violation of Title 14, Section 17258.23, when methane was detected in excess of the Lower Explosive Limit of 5% in air, at barhole probes at the property boundary, at the southern limits of the Primary Canyon, on May 18, 1994, during an inspection. Laidlaw has proceeded to abate this violation by evaluating the current landfill gas monitoring program to determine what changes should be made to more effectively monitor for landfill gas migration at the property boundary and to implement these changes in consultation with the Local Enforcement Agency and the South Coast Air Quality Management District. The proposed Corrective Action Plan (CAP) was first requested by the California Regional Water Quality Control Board (RWQCB), and conditionally approved, due to the detection of Volatile Organic Contaminants above maximum containment levels in the groundwater monitoring well DW-1. The LEA has requested and Laidlaw has agreed to provide additional boundary probes, in addition to the requirements of the CAP, in order to verify compliance at the landfill boundary. The LEA has issued a Notice of Violation to the operator addressing this violation. The LEA does not believe that the violation constitutes a significant threat to public health and safety or the environment. This belief is based upon the following: (1) the landfill is located in a sparsely populated area; (2) the distance to the nearest off-site occupied structure from the point of violation is approximately 4,400 feet; and, (3) the elevation of the point of violation is several hundred feet above this structure.
- d. A Notice of Determination (Negative Declaration, SCH No. 92051028) was filed with the State Clearinghouse for this facility in compliance with § 21152 of the PRC.
- e. The Los Angeles County Department of Regional Planning has made a determination (CUP No. 1809-(5)) that this facility will not be in substantial conflict with the County Wide and Area General Plans. [PRC, § 50000.5 (a)].
- f. The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in PRC, § 50000.5 (b): Los Angeles County Department of Regional Planning.
- g. The operator has submitted a Notification of Compliance and Preparation of Operating Record for the landfill in accordance with Title 14, of the California Code of Regulations (14 CCR), Section 17258.29 (Recordkeeping Requirements).

14. Prohibitions:

- The permittee is prohibited from accepting any hazardous waste, radioactive or medical waste (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid waste or any other wastes requiring special treatment or handling, unless such waste is specifically listed below and unless the acceptance of such waste is authorized by all applicable permits.
 - ◆ Dewatered sewage or water treatment sludge, as described in the Waste Discharge Requirements, (WDR), Order No. 89-52, (File No. 67-20) and all related Monitoring and Reporting Programs.
 - ◆ Incinerator ash, as described in WDR, Order No. 89-52, (File No. 67-20) and all related Monitoring and Reporting Programs.
- Scavenging is not permitted by customers or employees at this site due to safety concerns.

15. The following documents also describe and/or restrict the operation of this facility (Insert document date in spaces):

	Date:		Date:
<input checked="" type="checkbox"/> Report of Disposal Site Information, Vol. 1 & 2	February 1992 (Revised June 94)	<input checked="" type="checkbox"/> Lease Agreements	May 7, 1993
<input checked="" type="checkbox"/> Land Use Permits/Conditional Use Permit No.1809-(5)	November 24, 1982 Expires Nov. 24, 1997	<input checked="" type="checkbox"/> Negative Declaration (SCH #92051028)	August 27, 1992
<input checked="" type="checkbox"/> South Coast Air Quality Management District Permit/Variance: Rule 1150.1 Landfill Gas Flare Station (No.169112) Alteration to Existing LFGCS Underground Condensate Storage Tank	March 1993 May 17, 1989 April 12, 1991 February 27, 1990	<input checked="" type="checkbox"/> Waste Discharge Requirements, Order No. 89-52, (File No.67-20). <input checked="" type="checkbox"/> Revised Monitoring & Reporting Program (CI-6231)	May 22, 1989 February 5, 1993
<input checked="" type="checkbox"/> Approval from the CIWMB, Closure Financial Responsibility Document (Irrevocable Standby Letter of Credit).	March 24, 1994	<input checked="" type="checkbox"/> Amended Waste Discharge Requirement Order 93-062, (File No.67-20).	September 27, 1993
<input checked="" type="checkbox"/> Preliminary Closure/Post-Closure Plan, Canyons A, C, & D	July 1993, Revised January 1994	<input checked="" type="checkbox"/> Periodic Site Review	June 1993 (revised Jan. 1994)
<input checked="" type="checkbox"/> Certificate of Liability Insurance Form 131 (11/91) approved by CIWMB	October 16, 1992	<input checked="" type="checkbox"/> Final Closure/Postclosure Plan, Primary & B Canyons, & Supplement	June 1991, April 1992

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SOLID WASTE FACILITY PERMIT

FACILITY NAME: Chiquita Canyon Sanitary Landfill

SWFP No.: 19-AA-0052

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Self-Monitoring:

a. Results of all self-monitoring programs as described in the RDSI will be reports as follows:

(Note: The monitoring reports are delinquent 30 days after the end of the reporting period)

Program	Reporting Frequency	Agency Reported To:
<p>The quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.</p> <p>All incidents of unlawful disposal of prohibited materials and the operator's actions taken. Indicate those incidents which occurred as a result of the random load checking program. Incidents, as used here, means that the hauler or producer of the prohibited waste is known.</p> <p>The number and types of vehicles entering the facility per day and per week.</p> <p>The types and quantities of decomposable and inert wastes, including separated or commingled recyclables, entering the site <u>each day</u> (Distinguish between the quantities of those materials being disposed of and those reclaimed). The operator shall maintain these records on the facility's premises for a minimum of one year and made available to any Enforcement Agencies' personnel on request.</p> <p>The amount of dewatered sewage sludge deposited each day. In addition, Mitigation Measure Monitoring Reports shall be submitted as described in the Negative Declaration, SCH #92051028.</p> <p>Copies of the completed Special Waste Application forms as described on page 20 of the RDSI along with copies of the approval letters from the RWQCB for contaminated soils and other non-hazardous wastes.</p> <p>Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints. (Notification to the LEA within one day following the complaint is still required).</p> <p>Reports of all special/unusual occurrences and the operator's action taken to correct these problems.</p>	<p>Monthly (Due 15 days after the end of each reporting period)</p>	<p>Local Enforcement Agency (LEA)</p>
<p>An estimate of the remaining capacity (in cubic yards and tons), and the remaining life of the existing permitted site in years and months.</p> <p>The results of the landfill gas migration control program.</p>	<p>Quarterly Due the 15th of January, April, July, and October)</p>	<p>LEA</p>
<p>*Topographical map showing all current fill locations and elevations.</p> <p>*Topographical map which indicates all cuts into native material from the previous year to the present date.</p> <p><i>*The above two maps shall be drawn to a scale no smaller than one inch = 200 feet unless otherwise approved by the Local Enforcement Agency.</i></p>	<p>Annually (Due January 1st)</p>	<p>LEA</p>

PROPOSED**17. LEA Conditions:****A. Requirements:**

1. This facility shall comply with all the State Minimum Standards for Solid Waste Handling and Disposal.
2. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in any certified environmental document filed pursuant to PRC, Section 21081.6.
3. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to Public Resources Code 21081.6.
4. Additional information concerning the design and operation of this facility must be furnished on request of the Enforcement Agencies' personnel.
5. The operator shall maintain a copy of this Permit at the facility so as to be available at all times to facility personnel and to Enforcement Agencies' personnel.

B. Provisions:

1. Operational controls shall be established to preclude the receipt and disposal of volatile organic chemicals or other types of prohibited wastes.
 - a. That during the hours of operation for all landfill dumping activities, an attendant or attendants shall be present at all times to supervise the loading and unloading of the waste material.
 - b. **WASTE LOAD CHECKING PROGRAM:**

The operator shall comply with the approved Waste Load Checking Program as described on page 23 of the Report of Disposal Site Information (RDSI), and Appendix B. Any changes in this program must be approved by the LEA prior to implementation. The following Solid Waste Facility Permit conditions supplement the described Waste Load Checking Program:

- (1) The minimum number of random waste loads to be inspected daily at this landfill is 5.
- (2) Landfill staff and others assigned to perform the duties required in this waste load checking program including visual inspection of the landfill working face, are to be trained to recognize suspicious or potential containers of hazardous waste and to perform the reporting requirements of this program. Staff has to be retrained on an annual basis. New employees are to be trained prior to work assignment. The training program must be approved by the Local Enforcement Agency.

PROPOSED

LEA Conditions:

B. Provisions: (continued):

- (3) Incidents of unlawful disposal of prohibited materials shall be reported to the LEA as described in the monitoring section of this permit. In addition, the following agencies shall be notified at once of any incidents of illegal hazardous materials disposal:
 - (a) Duty officer, Los Angeles County Fire Department, Prevention Bureau, Health Hazardous Materials Division at (213) 890-4045.
 - (b) Environmental Crimes Division, Los Angeles County District Attorney at (213) 974-6824.
 - (c) California Highway Patrol at (213) 736-2971.
 - (4) Any hazardous materials thus found shall be set aside in a secure area to await proper disposition following notification of the producer (if known) and the appropriate governmental agencies. A generator identification number has been obtained: CAL 000035857.
2. This facility must comply with all monitoring requirements established in the Waste Discharge Requirements, Order No. 89-52 File No. 67-20 and Revised Monitoring & Reporting Program CI-6231 (revised 2/5/93). Should it be determined, in accordance with the provisions of Chapter 15 of the California Code of Regulations, that the facility has caused groundwater contamination which cannot be immediately mitigated, then the operations may be required to cease until the appropriate mitigation measures are implemented. Should it be determined that the contamination cannot be mitigated then the facility may be required to permanently close.
3. The operator shall maintain a weekly (Monday-Sunday) sludge to municipal waste ratio of 1:5 and the sludge is not to be deposited in the same location during that one week period. The operator shall not accept more than 833 tons of sludge on any operating day.
4. The operator shall dispose of the sewage sludge in such a manner as to protect the public health by utilizing the following guidelines:
 - a. Assure that all sewage sludge arriving is transported in covered, leakproof containers/vehicles.
 - b. Sludge is deposited in an area away from the general public and commercial haulers disposal area.
 - c. Sludge is mixed in and buried immediately to prevent landfill equipment from becoming contaminated and tracking the sludge to other areas.
5. This permit is subject to review by the LEA and may be suspended, revoked, or modified at any time for sufficient cause.

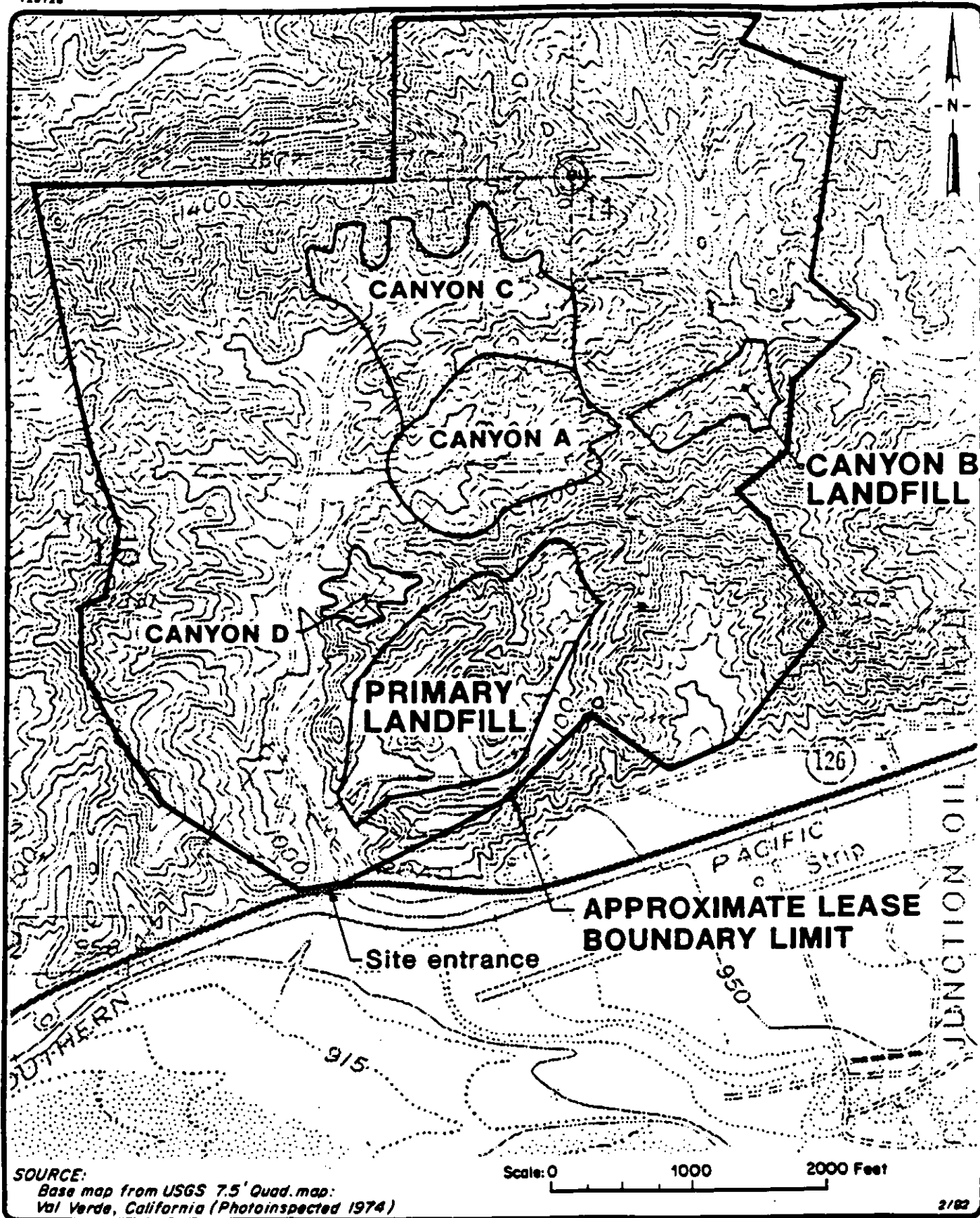
~~PROPOSED~~

17. LEA Conditions

C. Specifications: (continued):

5. The final elevation of the filled area, including final cover (and surcharge) shall not exceed 1,250 feet above mean sea level.
6. Except as provided herein, the disposal site may be open 24 hours a day, 7 days a week; public use of the disposal site is prohibited during night time hours. Only commercial operators and public agencies may be allowed the use of the landfill site 24 hours a day. During night time hours, no more than 15 trucks shall be allowed to enter and depart from the premises.
7. That at least once in a 24 hour period, each daily cell, including the working face, shall be entirely covered by a minimum 6 inch layer of compacted cover material (or any other approved alternative daily cover) in conformance with the Solid Waste Facility Permit. The timing of the cover application shall be with the approval of the Local Enforcement Agency.
8. This permit supersedes all previous Solid Waste Facilities Permits for this site.
9. The Conditional Use Permit Case No.1809-(5) will expire on November 24, 1997. The anticipated closure date (2000) is based on calculations described in the RDSI on page 28, Appendix D, and information given on the Solid Waste Facility Permit Application.

< END OF DOCUMENT >



Emcon
Associates

LIDLAW WASTE SYSTEMS, INC.
CHIUITA CANYON LANDFILL
LOS ANGELES COUNTY, CALIFORNIA

LANDFILL AREA LOCATION MAP

FIGURE

5

PROJECT NO.
976-03.09

State of California


California Environmental
Protection Agency

MEMORANDUM

To: Tadese Gebre-Hawariat
Permits Branch, South

Date: June 28, 1994

From:


Traci R. Perry
Office of Local Assistance
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: REVIEW OF THE PROPOSED NEW PERMIT FOR FACILITY NO.
19-AA-0052 FOR CONFORMANCE WITH AB 2296

The proposed project involves a new permit for the Chiquita Canyon Landfill. The permit reflects the change in operator for the landfill. The new operator is Laidlaw Waste Systems, Inc. The permit does not change the type of material accepted at the facility nor the maximum daily tonnage. The landfill is located in the unincorporated area of Los Angeles County. The landfill receives solid waste from the Santa Clara Valley, the northern San Fernando Valley, specifically Burbank, Beverly Hills, Northridge/Chatsworth, and Sun Valley; and a limited area of Ventura County. The landfill also receives wastes from transfer stations in Beverly Hills and Culver City.

Based upon the review of the submitted documents, the proposed new permit for the Chiquita Canyon Landfill conforms with AB 2296 as follows:

1. The permit is consistent with the waste diversion requirements (PRC 44009).
2. The facility is in conformance with the CoSWMP (PRC 50000).
3. The facility is consistent with the General Plan (PRC 50000.5).

PRC 44009: WASTE DIVERSION REQUIREMENTS

Board staff have reviewed the proposed new permit for Chiquita Canyon Landfill Solid Waste Facilities Permit, Report of Disposal Site Information and Engineering Report, and Source Reduction and Recycling Elements for the cities of and have found that approval of the proposed permit revision for the Chiquita Canyon Landfill would not prevent nor impair the achievement of the waste diversion requirements for the cities of the aforementioned cities.

The permitted daily tonnage is not increasing. Currently the permitted daily tonnage is 5,000 tons, however the average tons received is approximately 2350 tons per day. The majority of the waste received at the landfill is directly delivered from transfer stations.

The cities listed above have implemented residential curbside recycling programs and some of the cities have implemented multi-family recycling programs. The cities have also implemented separate yard waste collection programs.

PRC 50000: CONFORMANCE WITH THE CoSWMP

The Chiquita Canyon Landfill is an existing facility and is identified in Table 6-1, page 6-5 of the *Los Angeles County Solid Waste Management Plan Triennial Review, Volume I: Nonhazardous Waste, March 1984 and Revision A, August 1985*.

PRC 50000.5: CONSISTENCE WITH THE GENERAL PLAN

The Los Angeles County Department of Regional Planning issued Conditional Use Permit 1809-(5) for the Chiquita Canyon Landfill. As a condition of the CUP, the Department of Regional Planning stated the land use policy of the County General Plan designates the project as an appropriate designation for a landfill.

ATTACHMENT 5

California Integrated Waste Management Board
Permit Decision No. 94-70
July 27 and 28, 1994

WHEREAS, the Chiquita Canyon Landfill was originally operated by the Chiquita Canyon Landfill Company, which was a division of the Blue Barrel Disposal Company; and

WHEREAS, the GSX Corporation acquired the Chiquita Canyon Landfill Company's lease interest in the landfill in 1985 and subsequently was itself acquired by the Laidlaw Waste Systems Inc., in 1986; and

WHEREAS, the Local Enforcement Agency (LEA), upon review of the records of the Chiquita Canyon Landfill, found that the operator, Laidlaw Waste Systems Inc., is not the same operator as indicated in the Solid Waste Facility Permit (SWFP) and that significant changes in operation had occurred at the site, both of which are violations of the terms and conditions of the permit, and that since 1991 the LEA had issued a Notice and Order, which was amended ten times, to the operator to achieve compliance with the permit conditions; and

WHEREAS, on March 30, 1994, the new operator, Laidlaw Waste Systems Inc., submitted to the LEA an application for a new SWFP; and

WHEREAS, the County of Los Angeles Department of Health Services, Solid Waste Management Program, acting as the LEA, has submitted to the Board for its review and concurrence with, or objection to, a new SWFP for the Chiquita Canyon Landfill; and

WHEREAS, the LEA, also acting as the Lead Agency prepared a Negative Declaration for the proposed project and Board staff reviewed the Negative Declaration and provided comments to the Lead Agency on June 9, 1992; and

WHEREAS, the Lead Agency considered the comments and a Notice of Determination was filed with the County Clerk on October 6, 1992; and

WHEREAS, Board staff have evaluated the proposed permit for consistency with the Standards adopted by the Board; and

WHEREAS, on May 18, 1994, staff of the Board's Compliance Branch conducted an inspection at the site and found a violation of the Standards, that of landfill gas in excess of explosive limit at the facility boundary; and

WHEREAS, the LEA's office, which also recognizes the violation and has issued the operator a Notice of Violation to achieve compliance with the State Standards; and

WHEREAS, the LEA, despite the outstanding violation of the State Standards, has submitted a proposed permit for the Board's consideration of concurrence because the LEA deems that the violation does not constitute a significant threat to public health and safety and the environment due to the remote location of the landfill in a sparsely populated area, the significant distance and elevation to the nearest off-site occupied structure from the point of violation; and

WHEREAS, the LEA also stipulates that the operator is taking adequate measures to abate the violation by evaluating the current landfill gas monitoring program to determine what changes need to be made to more effectively monitor for landfill gas migration at the property boundary and to implement the necessary changes in consultation with the LEA and the South Coast Air Quality Management District; and

WHEREAS, the LEA further stipulates the measures of a proposed Corrective Action Plan (CAP) that has been requested by the Los Angeles Regional Water Quality Control Board due to the detection of Volatile Organic Contaminants above allowable limits in a monitoring well located close to the point of violation of the State Standards, and the operator's willingness to provide additional boundary probes in order to verify compliance at the landfill boundary, will positively effect the corrective measures and achieve compliance with the State Standards; and

WHEREAS, Board staff are in complete agreement with the LEA's stipulations that the violation does not constitute a significant and immediate threat to public health and safety and the environment, and that the existing measures of the CAP, additional probes, and further evaluations of the landfill gas monitoring system will achieve the desired goal of compliance with the State Minimum Standards; and

WHEREAS, the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, consistency with the General Plan, and compliance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 19-AA-0052.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27 and 28, 1994.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 20, 1994

AGENDA ITEM 10

ITEM: Consideration of Adoption of Amendments to Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.5, Sections 18281 and 18282 (Closure and Postclosure Costs Funding Formula)

BACKGROUND: At the December 8, 1993 Permitting and Enforcement (P&E) Committee, the Financial Assurances Section presented an item for consideration to change the current funding formula for closure and postclosure maintenance cost demonstrations. Since September 28, 1993, the Board's current funding formula required operators to fund for their closure and postclosure maintenance cost estimates at twice the rate of the annual capacity filled at the facility. Operators expressed their concern that this requirement would be a tremendous financial hardship, especially with the current fiscal crisis facing many of them.

At the December 15, 1993 Board meeting, by adoption of Resolution 93-122, emergency regulations were approved which eliminated the double funding requirement, and staff were directed to send the emergency regulations amending the funding formula to the Office of Administrative Law.

On December 31, 1993 the Office of Administrative Law approved the emergency regulations, and filed the amendments with the Office of the Secretary of State. The emergency regulations were effective upon filing.

On February 16, 1994, staff brought the regulatory package back to the P&E Committee for discussion and direction to "notice" amendments to the public.

The Board formally noticed the amendments for a 45-day public comment period on March 25, 1994. At the end of the 45-day comment period, staff compiled the comments, with responses and are now bringing this item back to the P&E Committee for consideration.

ANALYSIS: Staff received comments from only four interested parties. Attachment 1 contains the comment summaries and responses. The comments have been analyzed by staff, and no further amendments are proposed to the regulations in response to comments.

COMPLIANCE WITH CEQA: State law requires that prior to approval of a proposed project, that an environmental document be prepared and certified. Board staff prepared a Notice of Exemption for this project. The Board may approve the Notice of Exemption if

it finds that there is no substantial evidence that the project will have a significant effect on the environment.

Attachment 2 is a copy of the Notice of Exemption posted with the State Clearinghouse (#94107550) on June 8, 1994. The comment period for this Notice of Exemption continued through July 13, 1994. If any comments are received during the comment period, they will be presented by staff at the P&E Committee meeting on July 20, 1994.

STAFF COMMENTS: At the Committee's direction, staff will bring this regulation package, including the CEQA Notice of Exemption, to the Board at the July 27, 1994 Board meeting for formal adoption.

ATTACHMENTS:

- 1) Comments and Responses
- 2) CEQA Notice of Exemption
- 3) Board Resolution 94-71 - (CEQA)
- 4) Board Resolution 94-72 - (Adoption of Regulations)
- 5) Amendments to Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.5, Sections 18281 and 18282

Prepared by: Richard Castle / Garth C. Adams Phone 255-2366
Reviewed by: Don Dier, Jr. Phone 255-2453
Approved by: Doug Okumura Phone 255-2431
Legal Review: EB Date 7/7/94 Time 9:55 a.m.

Comment 1a: The commentor supports the proposed changes, but requests financial and technical assistance to solve the landfill dilemma.

Response 1a: No response is necessary.

Comment 2a: The commentor supports the proposed changes.

Response 2a: No response is necessary.

Comment 3a: The commentor supports the promulgation of the proposed amendments to Sections 18281 and 18282.

Response 3a: No response is necessary.

Comment 3b: The commentor requests the Board to expand the rulemaking to include adoption of an insurance mechanism that is consistent with the WPA 40 CFR Part 258 "Subtitle D" regulations.

Response 3b: The comment is outside the scope of this rulemaking, however the Board may consider the regulatory amendment under a future rulemaking procedure.

Comment 4a: The commentor requests that Section 18282(b)(1) be amended further to read "Within 45 days of each anniversary date..." instead of "By each anniversary date..." The commentor requests this change to allow time to access accounting records.

Response 4a: The comment was considered, but the amendment will not be incorporated. The regulations currently allow up to 60 days for the compilation of information prior to the anniversary date. To allow an additional 45 days after the anniversary date is excessive.

NOTICE OF EXEMPTION

Attachment 2

TO:
Office of Planning and Research
1400 Tenth Street, Rm 121
Sacramento, CA 95814

FROM:
California Integrated
Waste Management Board
8800 Cal Center Drive
Sacramento, CA, 95826

Project Title: Regulations amending Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.5, Sections 18281 and 18282

Project Location: Statewide

Description of Project: Closure and Postclosure Cost Funding Formula Amendment. Amending the funding formula used to build up closure/postclosure maintenance funds. The "old" formula required complete funding by essentially half the life of the facility. The "Amended" formula will allow funding to proceed throughout the entire life of the facility. The total funding required will remain unchanged.

Name of Public Agency Approving Project: The California
Integrated Waste Management Board

Name of Person or Public Agency Carrying Out Project: The
California Integrated Waste Management Board

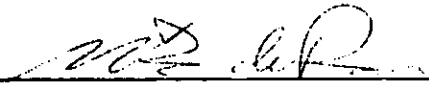
Exempt Status: (check one)

- ☐ Ministerial (Section 21080(b)(1); 15268);
- ☐ Declared Emergency (Section 21080(b)(3); 15269 (a));
- ☐ Emergency Project (Section 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number:
- ☐ Statutory Exemptions. State code number:

Class 8 - Title 14, California Code of Regulations, Section 15308

Reasons why project is exempt: The action is a scaling down of the annual financial requirement in the regulations for the closure/ postclosure financial assurances mechanism

Lead Agency Contact Person: Richard Castle Phone No. (916) 255-2366

Signature 
Title Supervisor

6/8/94
Date

Environmental Review Section
Permits Branch
Permitting and Enforcement Division
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

**California Integrated Waste Management Board
Resolution 94-71
July 27 and 28, 1994**

**Adoption of the Notice of Exemption
for the Proposed Amendments to Title 14, California Code
of Regulations, Division 7, Chapter 5,
Article 3.5, Sections 18281 and 18282**

WHEREAS, Section 15062 of the State CEQA Guidelines requires that when a public agency decides that a project is exempt from CEQA and the public agency approves or determines to carry out the project, the agency may file a Notice of Exemption. The notice shall be filed, if at all, after approval of the project. Such notice shall include a brief description of the project, a finding that the project is exempt, including a citation to the State Guidelines section under which it is found to be exempt, and a brief statement of reasons to support the finding; and

WHEREAS, the Board has reviewed the proposed Notice of Exemption together with all comments received during the review period assigned by the State Clearinghouse as required by the State CEQA Guidelines, Section 15062.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby deems the proposed Notice of Exemption complete.

BE IT FURTHER RESOLVED that the Board has determined that the project as proposed is exempt from the State CEQA Guidelines.

BE IT FURTHER RESOLVED that the Board adopts the Notice of Exemption, State Clearinghouse Number 94107550.

BE IT FURTHER RESOLVED that the Board directs staff to prepare and submit a Notice of Exemption of the project to the State Clearinghouse for filing as required by the State CEQA Guidelines, Section 15062.

Certification

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the forgoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27 and 28, 1994.

Dated:

Ralph E. Chandler
Executive Director

**California Integrated Waste Management Board
Resolution 94-72
July 27 and 28, 1994**

Adoption of Amendments to Title 14, California Code
of Regulations, Division 7, Chapter 5,
Article 3.5, Sections 18281 and 18282

WHEREAS, the Board adopted emergency regulations on December 15, 1993 by order of Resolution 93-122; and

WHEREAS, the Office of Administrative Law approved the rulemaking file for the subject regulations and filed the emergency regulations with the Secretary of State on December 31, 1993; and

WHEREAS, the Board has taken all public comments under consideration; and

WHEREAS, the Board has fulfilled all of the requirements of Government Code Sections 11343, 11346.1, 11346.4, 11346.5, 11346.7, 11346.8, 11346.14, 11346.53, and 11347.3; and Title 1 of the California Code of Regulations, Section 20.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the proposed amendments to the regulations for Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.5, Sections 18281 and 18282; and

BE IT FURTHER RESOLVED that the Board directs staff to submit the regulations to the Office of Administrative Law.

Certification

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the forgoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on July 27 and 28, 1994.

Dated:

Ralph E. Chandler
Executive Director

PROPOSED AMENDMENTS TO:

Title 14: Natural Resources
Division 7: California Integrated Waste Management Board
Chapter 5: Enforcement of Solid Waste Minimum Standards and
Administration of Solid Waste Facilities Program
Article 3.5: Financial Responsibility for Closure and
Postclosure Maintenance

Additions to the current regulations, as modified by the
emergency regulations on December 31, 1993, are identified with
underline. Deletions are identified with strikeout "-".

Section 18281. Definitions.

When used in this Article, the following terms shall have the meanings given below:

(a) "Annual capacity filled" means the portion of a solid waste landfill's total permitted capacity that was filled during the following period:

(1) From August 18, 1989 until 60 days prior to ~~any~~ the anniversary date of the establishment of a trust fund or an enterprise fund ~~that occurs before August 18, 1990~~; and

(2) From 60 days ~~before any other~~ prior to each anniversary date of the establishment of a trust fund or an enterprise fund to 60 days before the subsequent anniversary date.

(b) "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

(c) "Cumulative capacity filled" means the sum of the annual capacities filled since August 18, 1989.

(d) "Current assets" means cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

(e) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with Chapter 5, Article 3.4, section 18263.

(f) "Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

(g) "Current postclosure cost estimate" means the most recent of the estimates prepared in accordance with Chapter 5, Article 3.4, section 18266.

(h) "Enterprise fund" means a fund meeting the requirements of section 18285, of this Article, that is established to account for the financing of self-supporting activities of a government unit that renders services on a user-fee basis.

(i) "Federal entity" means the United States Government, or any department, agency, or instrumentality thereof.

(j) "Financial means test" means the financial assurance mechanism specified in section 18289, of this Article, by which an operator demonstrates its ability to pay future postclosure maintenance costs by satisfying a prescribed set of financial criteria.

(k) "Fully funded" means the value of a closure and/or postclosure maintenance fund is equal to, or greater than, the total current closure and/or postclosure maintenance cost estimate(s) for the facility(ies) covered.

(l) "Financial reporting year" means the twelve-month period for which financial statements that are used to support the financial means test are prepared.

(m) "Government securities" means financial obligations meeting the requirements of section 18286, of this Article, that are issued by a federal, state, or local government, including general obligation bonds, revenue bonds, and certificates of participation.

(n) "Guarantee" means a contract meeting the requirements of section 18291, of this Article, by which a guarantor promises that, if the operator fails to perform postclosure maintenance, the guarantor will perform postclosure maintenance or will establish and fund a trust fund in the name of the operator to pay for such activities.

~~(n)~~(o) "Letter of credit" means a contract meeting the requirements of section 18287, of this Article, by which the issuing institution promises to extend credit on behalf of an operator to the Board or the local enforcement agency upon the presentation of the mechanism in accordance with its terms.

~~(n)~~(p) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future, as a result of past transactions or events.

(q) "Minimum fund balance" means the required minimum balance maintained in a trust fund or enterprise fund in compliance with the formula(s) in section 18282(b)(2) of this Article.

~~(p)~~(r) "Net working capital" means current assets minus current liabilities.

~~(p)~~(s) "Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

~~(p)~~(t) "Operating" means currently active or the period of site activity from the first receipt of waste until the final receipt of waste consistent with the normal pattern of operation in the solid waste facilities permit.

~~(p)~~(u) "Parent corporation" means a corporation that owns directly or through its subsidiaries at least 50 percent of the voting stock of a corporation that operates a solid waste landfill.

~~(p)~~(v) "Pledge of revenue" means a financial assurance mechanism meeting the requirements of section 18290, of this Article, by which a government unit promises to make specific, identified future revenue available to pay future postclosure maintenance costs.

~~(u)~~(w) "Provider of financial assurance" means an entity, other than an operator, that provides financial assurance to an operator of a solid waste landfill, including a trustee, an institution issuing a letter of credit, a surety company, a guarantor, or an institution providing a financial assurance mechanism used in conjunction with an enterprise fund, government securities, or pledge of revenue.

(x) "Remaining cost estimate" means the value remaining when the current value of a closure and/or postclosure maintenance fund is subtracted from the current closure and/or postclosure maintenance cost estimate(s).

~~(v)~~(y) "Remaining permitted capacity" means the total permitted capacity at the facility less the cumulative capacity filled at the facility since August 18, 1989.

~~(w)~~(z) "Substantial business relationship" means a business relationship that arises from a pattern of recent or ongoing business transactions, in addition to the issuance of a guarantee under section 18291 of this Article.

~~(aa)~~(aa) "Surety bond" means a contract meeting the requirements of section 18288, of this Article, by which a surety company promises that, if the operator fails to perform required closure and/or postclosure maintenance, the surety company will be liable for the operator's responsibilities as specified by the bond.

~~(bb)~~(bb) "Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties.

~~(cc)~~(cc) "Total permitted capacity" means the capacity approved by the landfill's permit, including any changes in capacity approved by a new permit or a permit modification; but excluding any capacity filled prior to August 18, 1989.

~~(dd)~~(dd) "Trust fund" means a contract meeting the requirements of section 18284, of this Article, by which the operator transfers assets to a trustee to hold on behalf of the Board or its designee to pay closure and/or postclosure maintenance costs.

NOTE: Authority Cited: Section 40502, Public Resources Code. Reference: Sections 43500 through 43610, Public Resources Code.

Section 18282. Amount of Required Coverage.

(a) Except as otherwise noted in subsections (b) ~~through and (dc)~~, the operator of each solid waste landfill shall demonstrate financial responsibility to the Board and the local enforcement agency in at least the following amounts:

- (1) For closure, the current closure cost estimate; and
- (2) For postclosure maintenance, the current postclosure cost estimate.

(b) Except as provided in subsections (c) ~~and (d)~~ and section 18283(c) of this Article, an operator using a trust fund or an enterprise fund to demonstrate financial responsibility shall maintain a fund balance equal to or exceeding the amount specified by the following provisions:

- (1) By each anniversary date of the establishment of the fund, the operator shall ~~estimate~~ submit the following information to the Board. These estimates shall be consistent with the

information in the landfill's current Report of Disposal Site Information specified in chapter 5, article 3.2, section 18222(c), and/or the most recently submitted closure plan.

(A) a demonstration of the minimum fund balance calculation as required in section (b)(2) of this section;

(B) the ~~permitted~~ annual capacity filled during the past year;

(C) the cumulative capacity filled;

(D) the remaining cost estimate;

(E) the remaining permitted capacity; and

(F) the total permitted capacity.

(2) On each anniversary date of the establishment of the fund, the minimum fund balance shall be increased by the quantity determined by the following formulas:

(A) For anniversary dates that occur before December 31, 1993, the minimum deposit is calculated by, $(Cf/Ct) \times E$ = minimum deposit, where Cf is the annual capacity filled, Ct is the total permitted capacity, and E is the current closure and/or postclosure cost estimate(s) covered by the fund; and

(B) For anniversary dates that occur on or after December 31, 1993, the minimum deposit is calculated by, $(Cf/Cr) \times Er$ = minimum deposit, where Cf is the annual capacity filled, Cr is the remaining permitted capacity, Er is the remaining closure and/or postclosure cost estimate(s) to be funded. ~~To calculate the remaining cost estimates to be funded, subtract the current value of the fund from the current closure and/or postclosure cost estimate(s).~~

(3) The fund must be fully funded ~~when the final load has been received~~ by the time the last shipment of waste has been received at the facility.

(4) ~~An operator may make only one request, to the board, to change the anniversary date of the establishment of the fund to coincide with the operator's fiscal year. The Board may approve a change of the anniversary date of the establishment of the fund only once, and at the written request of the operator. The operator may execute the anniversary date change only after the Board has approved the change.~~

(c) If an operator establishes a trust fund or enterprise fund after using one or more alternate mechanisms specified in this Article, the initial payment into the fund must be at least the amount that the fund would contain if the trust fund or enterprise fund were established initially and annual payments were made according to the formula(s) specified in this section.

NOTE: Authority Cited: Section 40502, Public Resources Code. Reference: Sections ~~435010 through 43610~~, Public Resources Code.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 20, 1994

AGENDA ITEM 11

ITEM: Semi-annual update of the Inventory of Solid Waste Facilities Which Violate State Minimum Standards (Inventory)

Background:

Public Resources Code (PRC) Section 44104 requires the Board to maintain and publish twice annually an inventory of solid waste facilities which violate State Minimum Standards. Pursuant to PRC 44104, the Board adopted a method for placing facilities on the Inventory on May 28, 1992. Subsequently, Assembly Bill (AB) 1220 was passed by the state's lawmakers, mandating changes in the regulatory framework for solid waste facilities. Specifically, AB 1220 mandates that regulatory overlap and duplication of effort between state and local agencies concerning the regulation of solid waste activities be eliminated. Consistent with AB 1220, the Board approved a revised Inventory Policy at their March 30, 1994 meeting. The revised policy gives Local Enforcement Agencies (LEAs) primary responsibility for documenting violations of State Minimum Standards and correction of such violations for purposes of maintaining the Inventory.

Analysis:

Whenever a facility is proposed to be placed on the Inventory for State Minimum Standard violations, a 90 day notice of intent (NOI) is issued to the owner/operator. Board Enforcement Staff issued 149 NOIs between January 1, 1991 and July 1, 1994. As of July 1, 1994, 126 of those facilities which were issued NOIs were documented as having corrected the violations, as verified by LEA and/or Board reinspections. Twenty facilities are still in the Inventory process pending resolution, and 3 facilities have been included on the Inventory (See table on page 2).

Regarding the twenty sites still in the Inventory process, six were recently sent, or will be receiving inclusion letters, eight are awaiting joint Board/LEA reinspections, and six are currently being reviewed by Board enforcement and LEA staff for applicability under the revised Inventory criteria and possible further action.

**Semi-Annual Update of Inventory of Solid Waste
Facilities Which Violate State Minimum Standards
(Inventory)**
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**Inventory of Facilities Which Violate State Minimum Standards as
of July 1, 1994**

Facility	Operator	SWIS No.	County	Type of Facility	Date of Inclusion	State Minimum Standards Violated
Chateau Fresno SLF	BFI Inc.	10-AA-0002	Fresno	Landfill	April 8, 1993	14CCR 17682 and 17684
Dixon Pit LF	West Coast Building and Wrecking Company	34-AA-0007	Sacramento	Landfill	December 12, 1992	14CCR 17616, 17658, 17676, 17682, 17689, and 17704
Needles Refuse DS	City of Needles	36-AA-0059	San Bernardino	Landfill	February 24, 1993	14CCR 17716, 17637, 17671, 17672, 17673, 17676, 17682, 17695, 17701, 17703, 17706, 17707, 17710, 17711, 17713 and 17743

STAFF RECOMMENDATIONS:

This is an information item.

Prepared by: Vance Tracy Phone: (909) 798-9391

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Approved by: Douglas Okumura Phone: (916) 255-2431

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 20, 1994

AGENDA ITEM 12

Regulatory Tiers

ITEM: CONSIDERATION OF APPROVAL TO NOTICE FOR PUBLIC COMMENT
THE REGULATORY REQUIREMENTS FOR A ~~TIERED PERMITTING~~
STRUCTURE FOR SOLID WASTE FACILITIES (TITLE 14,
CALIFORNIA CODE OF REGULATIONS, SECTIONS
18100-18105.11)

BACKGROUND: At the April 20, 1994 Permitting and Enforcement Committee meeting, staff of the Planning and Analysis Office were directed to develop a comprehensive tiered permitting structure for solid waste facilities. This direction was based on the presentation of four (4) options for regulation of non-traditional wastes. The Committee directed staff to proceed with Option (I)(b) to pursue tiered permitting for all solid waste facilities while exploring the addition of a non permit regulatory approach concept (Option IV). Development of this structure was to be coordinated with the evolving composting regulations, as well as the AB 1220 (Chapter 656, Statutes, 1993) implementation effort.

The tiered permitting concept presented April 20, 1994 under Option (I)(b) included five tiers: exclusion, registration, standard permit, abridged permit, and full permit. Based upon testimony received at the May 18, 1994 Permitting & Enforcement meeting where Option (I)(b) was presented in greater detail, the tiered permitting concept was revised to include the following five tiers: pre-authorized, manifest, registration permit, standardized permit, and a full permit. On June 9 and 13, 1994, permit reform workshops were held in both Sacramento and Ontario, respectively. A portion of each workshop was dedicated to discussion of the tiered permitting framework. A brief summary of the key discussion points from the workshops are included below under "DISCUSSION."

Based upon comments received both orally and in writing, staff developed draft proposed regulatory language to implement a tiered permitting structure. Two subsequent workshops will be held on July 18 in Sacramento and July 21 in Burbank. The purpose of these workshops is to solicit comment on the draft proposed regulations which were made available to the public on July 7, 1994.

DISCUSSION: The draft proposed regulations implementing a tiered permitting framework, outlined in this item, are the result of an interdisciplinary working group's efforts. The initial concept, discussed at the June 9 and 13 workshops on permit reform, received considerable attention as a streamlined, consistent, and practical approach to regulating solid waste operations. This tiered permitting system was designed to address the following problems:

- ▶ Confusion in the regulated community caused by the uneven application of statutory and regulatory requirements throughout the state.
- ▶ Inconsistent procedures for project review and approval results in a significant expenditure of time, money, and other resources, without resulting in a corresponding increase in the level of protection of public health, safety, and the environment.
- ▶ Existing regulatory system potentially undermines achievement of AB 939 goals.

At the June workshops, several issues were identified as problematic or in need of further attention. Significant changes were made to the framework proposed during the June workshops which are outlined below and are included in the draft proposed regulations:

Standardized Permit: General consensus existed regarding the need for this tier and the proposed process for obtaining a permit. Several participants did recommend that concurrence of a standardized permit be delegated to the Local Enforcement Agencies (LEAs). The draft proposed regulations retain concurrence authority with the Board's Executive Director.

Several LEAs requested that the standardized conditions which would be developed for specific facility types under this tier be flexible to allow for site specific conditions requested by the LEA on a case-by-case-basis. The draft proposed regulations do not provide for this flexibility because the need for site-specific facility criteria is beyond the intent of this tier (to establish standardized permit conditions regardless of location).

Registration: General consensus existed regarding the need for this tier and the proposed process for obtaining a permit. Many LEAs requested that the timeframe for approval under this tier be extended from 14 days to thirty days. The draft proposed regulations allow for a 30 day review period.

Manifest: General consensus existed regarding the need to eliminate from the tiered permitting framework a manifest requirement. Many potential problems were raised with respect to this tier including administrative implementation and the need to track materials generated by facilities not necessarily under CIWMB purview. The draft proposed regulations do not include a manifest as a proposed tier.

Pre-Authorized: General consensus existed regarding the need for this tier. Several participants in the Northern California workshop objected to the general existence of a tier which would "pre-authorize" categories of facilities. No objections to the need for this tier were raised in the Southern California workshops.

Several participants requested that the process for this tier include a notification to LEAs on the location and type of facility. In order to provide the greatest range of flexibility in the tiers, the draft proposed regulations contain an additional tier titled "Enforcement Agency Notification." This tier requires adherence to minimum standards while providing the LEA with notification of a facility's existence.

The draft proposed regulations, included as Attachment 2 and the Initial Statement of Reasons, included as Attachment 3, reflect the tiered permitting concept and comments received as of July 1, 1994.

RECOMMENDATION: Staff recommends that the Permitting & Enforcement Committee approve to notice for public comment the proposed Regulatory Requirements For A Tiered Permitting Structure For Solid Waste Facilities (Title 14, California Code of Regulations, Sections 18100-18105.11), included as an attachment to this item and as revised pursuant to public comment received on or before July 25, 1994.

ATTACHMENTS:

1. Table: Tiered Permitting Framework Concept, dated July 20, 1994.
2. Draft Proposed Regulations, dated July 5, 1994.
3. Draft Initial Statement of Reasons, dated July 5, 1994.

Prepared By: Rosslyn Stevens Otsubo *RSO 7/11/94* Phone: 255-2205

Legal Review: Elliot Block *EB* Date/Time: 7/11/94 3:10pm

Approved By: Caren Trgovcich *CT* Phone: 255-2207

TIERED PERMITTING FRAMEWORK CONCEPT

	PRE-AUTHORIZED TIME = N/A	ENFORCMENT AGENCY NOTIFICATION TIME = N/A	REGISTRATION TIME = 30 Days	STANDARDIZED PERMIT TIME = 75 Days	FULL PERMIT TIME = 120 Days
Brief Problem Statement	The facility itself poses no environmental or PH&S concerns which are not already adressed through other local, state or federal requirements. The facility operation does not warrant further Board regulation pertaining to state minimum standards and permitting requirements.	The facility itself poses minimal environmental or PH&S solid waste concerns which are addressed through adherence to state standards adopted by the Board. No permit is required.	The facility itself poses minimal environmental or PH&S solid waste concerns which are addressed through adherence to state standards adopted by the Board. No additional permit conditions are required.	The facility itself poses a threat to the environment or PH&S regardless of site location. Standard conditions applicable to all such operations suffice to mitigate environment and PH&S impacts.	The facility itself poses a threat to the environment or PH&S and each facility's unique features require CIWMB review. Site specific conditions are necessary to mitigate environment and PH&S impacts.
Process To Obtain A Permit	No Requirements.	No permit is required. Notify EA of existence of operation. Operate in accordance with minimum standards.			Existing Process:
1. application			Registration application requesting minimal specified information to be submitted to EA.	Application requiring specified information to be submitted to EA.	Application requiring specified information to be submitted to EA.

Abbreviations: TIME.....Total Time to Process Permit
 PH&S.....Public Health and Safety
 EA.....Enforcement Agency

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	PRE-AUTHORIZED TIME = N/A	ENFORCEMENT AGENCY NOTIFICATION TIME = N/A	REGISTRATION TIME = 30 Days	STANDARDIZED PERMIT TIME = 75 Days	FULL PERMIT TIME = 120 Days
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2. completeness review			EA to determine completeness within 30 calendar days from the date of receipt.	EA to determine completeness within 30 calendar days.	EA to determine completeness within 30 calendar days which then constitutes the filing of an application and the initiation of the 120 day process.
3. submittal to Board		EA forwards a copy of notification letter to Board for record keeping purposes.	EA to forward registration application to the Board within 5 calendar days of completeness determination.	EA to forward application and standardized permit to the Board within 5 calendar days of completeness determination.	Within 5 calendar days of receipt of the permit application, EA to forward copy to Board. EA to forward complete application and proposed permit to the Board within 55 calendar days of determination that application is complete.
4. Board/EA approval			EA is delegated authority by the Board to determine completeness. The Board is determined to concur upon EA finding of completeness.	Executive Director is delegated authority by the Board to concur or object within 30 calendar days of receipt of a complete application from EA.	Board is required to concur or object to the issuance of the permit within 60 calendar days of receipt of the proposed permit.
Conformance Review			To be determined.	To be determined.	To be determined.
Board CEQA Action			Exemption under CEQA. Notice of exemption filed.	Discretionary Action. Requires CEQA compliance.	Discretionary Action. Requires CEQA compliance.

Abbreviations: TIME.....Total Time to Process Permit
PH&S.....Public Health and Safety
EA.....Enforcement Agency

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Article 3.0 Solid Waste Facility, Tiered Permitting Requirements

Section 18100 Scope

(a) This Article sets forth the method of application for a tiered solid waste facilities permit and procedures for review and action on the application package. This article also includes provisions regarding permit maintenance following issuance. Similar provisions regarding a full solid waste facilities permit can be found in Article 3.1 of this Chapter.

(b) Specifics of tiered solid waste facilities permit provisions of this article will only be applicable to a particular operation when provided for in the minimum standards.

(c) Specific provisions relating to the different types of tiered solid waste facilities permits may be found below as follows:

- (1) 18102 Pre-Authorized;
- (2) 18103 - 18103.4 Notification of Enforcement Agency;
- (3) 18104 - 18104.9 Registration Permit; and
- (4) 18105 - 18105.9 Standardized Permit.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18101 Definitions

Unless incorporated by reference or by statute, the definitions in this Article govern only the construction of this Article.

(a) "Acceptance for filing" means the enforcement agency has determined that the application is complete and correct and the specified permit action time frames contained in this Article commence.

(b) "Annual loading" is the maximum amount of waste/material to be handled by an operation annually.

(c) "Change in operations" means any change to a facility's operations, including, but not limited to, change in site description, change in materials handled, change in quantity of material handled, or change in operating hours.

(d) "Complete" means all information required as part of a solid waste facilities permit application submitted pursuant to this Article has been provided.

(e) "Correct" means all information provided by the applicant as part of a solid waste facilities permit application submitted

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pursuant to this Article is accurate, exact, and fully provides the applicable filing requirement information for the solid waste facility for which a permit is being sought.

(f) A "full permit" is a solid waste facilities permit obtained pursuant to procedures set forth in Article 3.1 of this Chapter.

(g) A "location map" means a map showing the general location of the operation at a scale size minimally equivalent to 1:24,000 USGS topological quadrangle.

(h) "Operation" means the receipt and processing of solid waste.

(i) "Peak loading" is the largest projected waste/material quantity to be received by an operation on any day of operation.

(j) A "site map" means a map showing the general planned layout of the operations, including, but not limited to, operations areas and their relationships to property boundaries, adjacent land uses, proposed drainage systems, any excavation areas, and any other portions of the site dedicated to a specific use.

(k) A "tiered permit" is a type of solid waste facilities permit obtained pursuant to procedures set forth in Article 3.0 of this Chapter. A tiered permit is a solid waste facilities permit with reduced application and permit processing requirements.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18102 Preauthorized Solid Waste Handling

Operators of pre-authorized operations designated by the minimum standards set forth in this Division are not required to notify the enforcement agency or submit an application for a solid waste facilities permit prior to commencing operations.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, Public Resources Code.

Section 18103 Enforcement Agency Notification

(a) The provisions contained in sections 18103 through 18103.4 will only apply to a particular operation when provided for in the minimum standards applicable to that operation.

(b) Sections 18103.1 through 18103.4 establish the requirements for compliance with enforcement agency notifications as follows:

- (1) section 18103.1, Filing Requirements,
- (2) section 18103.2, Record Keeping Requirements, and
- (3) section 18103.3, Termination of Operation.

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Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, Public Resources Code.

Section 18103.1 Filing Requirements

Any operator proposing to engage in solid waste handling eligible for enforcement agency notification shall notify the enforcement agency of its intent to operate in writing. This written notification shall be legible and include the name, address, and phone number of the proposed operation, as well as the name, address, and phone number where the operator can be contacted if these differ from the operations site. This notification shall identify the section authorizing eligibility for this tier.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, Public Resources Code.

Section 18103.2 Record Keeping Requirements

The enforcement agency shall retain the notification received pursuant to section 18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board within five days of receipt.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, Public Resources Code.

Section 18103.3 Termination of Operation

Any person intending to cease operations shall notify the enforcement agency in writing at least 15 days prior to the cessation of operations.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, Public Resources Code.

Section 18104 Registration Permit

(a) The permitting provisions contained in sections 18104 through 18104.9 will only apply to a particular solid waste facility when provided for in the minimum standards applicable to that facility.

(b) A registration permit shall be deemed to incorporate by reference all terms and conditions applicable to the particular facility for which it has been obtained as set forth in the minimum standards.

(c) Sections 18104.1 through 18104.9 establish the requirements for a registration permit as follows:

(1) Section 18104.1, Filing Requirements

(2) Section 18104.2, Enforcement Agency Processing Requirements

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- (3) Section 18104.3, Record Keeping Requirements
- (4) Section 18104.4, Completeness Appeal
- (5) Section 18104.5, Change in Operation
- (6) Section 18104.6, Change in Owner
- (7) Section 18104.7, Permit Review
- (8) Section 18104.8, Suspend/Revoke
- (9) Section 18104.9, Voiding of a Registration

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802, and 50000-50002, Public Resources Code.

Section 18104.1 Registration Permit Filing Requirements

Any operator proposing to operate a solid waste facility eligible for a registration permit shall file an application with the enforcement agency which is accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code section 44006(c) and contains the following information:

- (a) The name of the enforcement agency, the jurisdiction represented by the enforcement agency, and the section authorizing eligibility for this tier.
- (b) General description of the facility including, but not limited to name, location, site plan, and location map.
- (c) Facility information, including, but not limited to, volume and type of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.
- (d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.

[Note: Consideration needs to be given to what happens to a pending application if CEQA is still in process when the permit action time frame expires.]

(e) Conformance finding information consisting of statements that the material diverted by the facility from disposal or transformation will not interfere with the diversion goals of the jurisdiction from which it receives solid waste; that the facility is identified in the County Solid Waste Management Plan or in the Countywide Integrated Waste Management Plan; that the facility is consistent with the city or county General Plan; and that the facility has no contractual agreements with local governments which would require transformation or disposal of recyclables materials which are needed to meet that jurisdiction's waste diversion goals pursuant to the California Integrated Waste Management Act.

(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to best of their knowledge and belief.

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Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802, and 50000-50002, Public Resources Code.

Section 18104.2 Enforcement Agency Processing Requirements

(a) Upon receipt of an application filed pursuant to section 18104.1, the enforcement agency shall mark the application with the date of receipt.

(b) The enforcement agency shall notify every person who has submitted a written request to be notified of any application.

(c) The enforcement agency shall review the application to determine whether it meets the requirements of section 18104.1 within 30 days of receipt.

(d) If the enforcement agency finds the application is complete and correct, it shall be accepted for filing.

(e) The application shall be stamped with the date and time of acceptance.

(f) The enforcement agency shall issue a registration permit by mailing a copy of the accepted application to the applicant within five days of filing. In addition, the enforcement agency shall provide a copy of the registration permit to the board and any person who has so requested in writing.

[Note: The following language is an alternative for the first sentence of subsection (f) above which would establish a separate form of response to an applicant on his/her permit, "The enforcement agency shall issue a registration permit by mailing an executed registration permit form (CIWMB Form #), incorporated herein by reference, with a copy of the accepted application, within five days of filing." This form would be a one-page cover sheet.]

(g) If the enforcement agency finds that the application is not complete and correct, it shall not be accepted for filing. A copy of the application accompanied by explanation shall be mailed to the applicant within five days.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18104.3 Record Keeping Requirements

(a) The enforcement agency shall maintain a current list of all pending applications at its offices. The list shall be publicly available during normal business hours.

(b) Written public comments on an application shall be retained by the enforcement agency.

(c) The enforcement agency shall forward copies of any written public comments received on a pending application to the board with the registration permit submitted pursuant to section 18104.2(f).

(d) Subsequent to the transmittal of the registration permit to the board, the enforcement agency shall within five days of

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receipt provide a copy of any additional written public comments to the board unless the comment clearly states that a copy has already been provided the board.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18104.4 Completeness Appeal

If an application is determined to be incomplete, the applicant may appeal that determination to the enforcement agency within 15 days of the date that notification was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the enforcement agency no later than 30 days after receipt of the applicant's appeal.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18104.5 Change in Operation

A new registration permit application shall be submitted when an operator proposes a change in operation, or to transfer his/her permit for the same operation to another operator, or if the enforcement agency determines that a change in facility operations has occurred.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18104.6 Change in Owner

Any person who owns property on which a solid waste facility is in operation pursuant to a registration permit shall notify the enforcement agency in writing at least 15 days prior to the encumbering, selling, transferring, or conveying of the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The enforcement agency shall transmit a copy of the notification to the board within five days of receipt.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18104.7 Registration Permit Review

(a) Every registration permit shall be reviewed at least once every five years from the date of issuance.

(b) The board shall notify the operator and the enforcement agency 60 days before the registration permit is due for review.

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(c) No fewer than 30 days before the registration permit is due for review, the operator shall submit either a certification that the information contained in the current registration permit is current, or shall file a new application pursuant to section 18104.1.

(d) If an operator files a new application pursuant to section 18104.1, the enforcement agency shall follow the procedures set forth in sections 18104.2 and 18104.3.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 44015, Public Resources Code.

Section 18104.8 Suspend/Revoke

Any registration permit may be suspended or revoked by the enforcement agency for cause. Any such action shall be undertaken by the enforcement agency using the procedures set forth in Article 2, Chapter 4 of the Public Resources Code (section 44500 et. seq.).

[Note: Consideration will be given to intermittent or seasonal facilities and what happens to their permits during shut-down periods.]

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 44500-45802, Public Resources Code.

Section 18104.9 Voiding of a Registration Permit

Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the Board.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18105 Procedures to Obtain a Standardized Permit

(a) The permitting provisions contained in sections 18105 through 18105.11 will only apply to a particular operation when provided for in the minimum standards applicable to that operation.

(b) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.

(c) Sections 18105.1 through 18105.11 establish the requirements for a standardized permit as follows:

(1) Section 18105.1, Filing Requirements

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- (2) Section 18105.2, Enforcement Agency Processing Requirements
- (3) Section 18105.3, Completeness Appeal
- (4) Section 18105.4, Board Processing Requirements
- (5) Section 18105.5, Appeal of Decision
- (6) Section 18105.6, Record Keeping Requirements
- (7) Section 18105.7, Amendment to a Permit
- (8) Section 18105.8, Change in Owner
- (9) Section 18105.9, Standardized Permit Review
- (10) Section 18105.10, Suspend/Revoke
- (11) Section 18105.11, Voiding of a Standardized Permit

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18105.1 Standardized Permit Filing Requirements

Any operator proposing to operate a solid waste facility eligible for a standardized permit shall file an application with the enforcement agency which is accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code section 44006(c) and contains the following information:

(a) The name of the enforcement agency, the jurisdiction represented by the enforcement agency, and the section authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site plan, and location map.

(c) Facility information, including, but not limited to, volume and type of waste/material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served on the operator and owner.

(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.

[Note: Consideration needs to be given to what happens to a pending application if CEQA is still in process when the permit action time frame expires.]

(f) Conformance finding information consisting of statements that the material diverted by the facility from disposal or transformation will not interfere with the diversion goals of the jurisdiction from which it receives solid waste; that the facility is identified in the County Solid Waste Management Plan or in the Countywide Integrated Waste Management Plan; that the facility is consistent with the city or county General Plan; and that the facility has no contractual agreements with local governments which would require transformation or disposal of recyclables materials which are needed to meet that

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jurisdiction's waste diversion goals pursuant to the California Integrated Waste Management Act.

(g) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802, and 50000-50002, Public Resources Code.

Section 18105.2 Enforcement Agency Processing Requirements

(a) Upon receipt of an application filed pursuant to section 18105.1, the enforcement agency shall mark the application with the date of receipt.

(b) The enforcement agency shall notify every person who has submitted a written request to be notified of any application.

(c) The enforcement agency shall review the application to determine whether it meets the requirements of section 18105.1 within 30 days of receipt.

(d) If the enforcement agency finds the application is complete and correct, it shall be accepted for filing.

(e) The application shall be stamped with the date and time of acceptance.

(f) The enforcement agency shall evaluate the application and the facility to determine that both the application and the facility meet the requirements set forth in section 18105, and prepare the appropriate standardized permit within 15 days of acceptance of an application.

(g) The enforcement agency shall forward the proposed standardized permit, application package, and the results of any analysis to the board after completion of step (f) above. The enforcement agency shall further provide the applicant with a copy of the proposed standardized permit submitted to the board. In addition, the enforcement agency shall provide a copy of the proposed standardized permit to any person who has so requested in writing.

(h) If the enforcement agency finds that the application is not complete and correct, it shall not be accepted for filing. A copy of the application accompanied by explanation shall be mailed to the applicant within five days.

(i) Once the board has concurred in the issuance of the proposed standardized permit and has notified the enforcement agency pursuant to section 18105.4(e), the enforcement agency shall issue the standardized permit.

(j) If the board objects to the proposed standardized permit, the enforcement agency shall notify the applicant in writing of the board's decision within five days of receipt of that decision.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-

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45802, Public Resources Code.

Section 18105.3 Completeness Appeal

If an application is determined to be incomplete, the applicant may appeal that determination to the enforcement agency within 15 days of the date that notification was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the enforcement agency no later than 30 days after receipt of the applicant's appeal.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18105.4 Board Processing Requirements

(a) The board shall mark the proposed standardized permit with the date of receipt.

(b) The board shall evaluate the application package and the proposed standardized permit for compliance with the requirements set forth by section 18105.

(c) Within 30 days of receipt of a proposed standardized permit, the executive director of the board shall either concur in or object to the issuance of the proposed standardized permit.

(d) If the proposed standardized permit contains terms and conditions not authorized by the minimum standards but the permit is otherwise in conformance with these regulations, any additional unauthorized terms and conditions shall be stricken and the executive director will concur in the standardized permit.

(e) Within 5 days of the decision to concur in or object to a proposed standardized permit, the board shall notify the enforcement agency of its determination in writing. If the board objects, the reasons for the objection shall be provided to the enforcement agency.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18105.5 Appeal of Decision

(a) Any applicant may appeal the decision of the executive director taken pursuant to section 18105.4. The applicant shall submit a written appeal that specifies the grounds for the appeal to the board within 15 days of the date that notification was received from the enforcement agency pursuant to section 18105.2(j).

(b) A final written determination shall be made by the board no later than 60 days after receipt of the applicant's written appeal.

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Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18105.6 Record Keeping Requirements

(a) The enforcement agency shall maintain a current list of all pending applications at its offices. The list shall be publicly available during normal business hours.

(b) Written public comments on an application shall be retained by the enforcement agency.

(c) The enforcement agency shall forward copies of any written public comments received on a pending application to the board with the proposed standardized permit submitted pursuant to section 18105.2(g).

(d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board, unless the comment clearly states that a copy has already been provided the board.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18105.7 Amendment to a Permit

(a) A standardized permit shall be amended when an operator wishes to amend his/her permit, or transfer the permit for the same operation to another operator, or if the enforcement agency determines that an amendment is necessary due to a change in operations.

(b) A standardized permit shall be amended in accordance with the same procedures necessary to apply for a new standardized permit.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 18105.8 Change in Owner

Any person who owns property on which a solid waste facility is in operation pursuant to a standardized permit shall notify the enforcement agency in writing at least 30 days prior to the encumbering, selling, transferring, or conveying of the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The enforcement agency shall transmit a copy of the notification to the board within five days of receipt.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

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Section 18105.9 Standardized Permit Review

(a) Every standardized permit shall be reviewed at least once every five years from the date of issuance.

(b) The board shall notify the operator and the enforcement agency 60 days before the standardized permit is due for review.

(c) No fewer than 30 days before the standardized permit is due for review, the operator shall submit either a certification that the information contained in the current permit is complete and correct, or shall file a new application pursuant to section 18105.1.

(d) If an operator files a new application pursuant to section 18105.1, the enforcement agency shall follow the procedures set forth in sections 18105.2 and 18105.5 and the board shall follow the procedures set forth in section 18105.4.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 44015, Public Resources Code.

Section 18105.10 Suspend/Revoke

Any standardized permit may be suspended or revoked by the enforcement agency for cause. Any such action shall be undertaken by the enforcement agency using the procedures set forth in Article 2, Chapter 4 of the Public Resources Code (section 44500 et. seq.).

[Note: Consideration will be given to intermittent or seasonal facilities and what happens to their permits during shut-down periods.]

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 44500-45802, Public Resources Code.

Section 18105.11 Voiding of a Standardized Permit

Every standardized permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the Board.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

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INITIAL STATEMENT OF REASONS

JULY 5, 1994

**CHAPTER 5. ENFORCEMENT OF SOLID WASTE STANDARDS AND
ADMINISTRATION OF SOLID WASTE FACILITIES PERMITS;
LOAN GUARANTEES**

**ARTICLE 3.0. SOLID WASTE FACILITY, TIERED PERMITTING
REQUIREMENTS**

GENERAL - ARTICLE 3.0

**PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR
CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.**

The Integrated Waste Management Act (Act), Public Resources Code (PRC) section 40000 et seq., provides, among other things, for the regulation of solid waste facilities by the Integrated Waste Management Board (Board). The Board is authorized to adopt standards for solid waste handling and for the permitting of solid waste facilities. The Act also provides that the operation of a solid waste facility without a solid waste facilities permit is prohibited (PRC 44002).

In 1977, pursuant to the State Solid Waste Management Act (the predecessor statute to the current Act), Article 3, of Chapter 5, of Division 7, of Title 14, of the California Code of Regulations (at that time known as the California Administrative Code) was adopted, setting forth the procedures for "Application for Solid Waste Facilities Permits." (The Article was subsequently, renumbered as Article 3.1).

At the time that these provisions were adopted, regulated solid waste facilities consisted primarily of landfills and the transfer stations which aided in the transport of solid waste to those landfills. This uniformity was reflected in the regulations which set out one procedure for obtaining a solid waste facilities permit.

In the intervening 17 years, solid waste facilities and solid waste handling methods have diversified considerably. The Board has begun a review of many of these new activities in order to determine what would be an appropriate level of regulatory control for it to exercise over them. This review entails determining whether the Board's existing regulations adequately address these new activities, if not, how these regulations should be adjusted, or, whether any regulation of these activities is necessary at all.

One example of these new activities is the composting of solid waste. Composting facilities did not require permits from the

Board until 1990 after the passage of Assembly Bill 3992 (Stats. 1990, Chap. 1355). In July 1993, regulations setting out minimum standards for "green material" composting facilities became effective. These new regulations were necessary because existing standards were not directly applicable to these facilities. The two year effort to develop and adopt these regulations only addressed one part of the growing composting industry. Currently, efforts are underway to develop minimum standards for facilities that compost food waste, animal waste, sewage sludge, and mixed solid waste. Each of these types of composting facilities poses varying degrees of public health and safety and environmental concerns and different operational aspects which require some variation in regulations.

In the process of developing minimum standards for composting facilities and in analyzing the need for regulation of other new solid waste handling activities, it has become apparent that permitting procedures for these facilities may also require adjustments to more efficiently and effectively regulate these new activities. "Tiered permitting" is the name that is commonly used to describe a regulatory scheme in which varying levels of permit application and review are required for varying types of operations. In the proposed regulations, "tiered permits" refers to solid waste facilities permits which have fewer stringent application and review procedures than the traditional solid waste facilities permits which have been utilized for landfills (referred to herein as "full permits").

SPECIFIC PURPOSE OF THE REGULATION.

The Board has decided to set up a tiered permitting structure to allow for any necessary accommodation that may be necessary for the variety of solid waste handling activities that it regulates. The current regulatory package is the first stage in setting up that structure. As such, it is somewhat limited in scope. Most of the details of how these new activities will be regulated will be contained in minimum standards that will be developed over time. The regulations in this package are designed to establish the permitting framework into which these activities may be assigned as appropriate. Those assignments will occur as those minimum standards are adopted. These proposed regulations are designed to provide procedures which can account for the most appropriate distinctions on the continuum from maximum application and review to none.

NECESSITY.

A complete tiered permitting structure is being adopted in advance of the adoption of minimum standards in order to maintain

consistency and simplicity in permitting procedures. Adoption of permit tier procedures for each type of new facility at the time that minimum standards are developed could result in an overly complex and confusing menu of permit procedures.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The Board did not directly rely on any technical, theoretical, and/or empirical study, reports, or documents in developing these regulations. However, the conceptual framework which provided the basis for these regulations was developed with input from the general public, environmental groups, and the potentially affected regulated industry. The Board conducted workshops on a conceptual framework for tiered permitting on June 9, 1994 in Sacramento, and on June 13, 1994 in Ontario. Input from those workshops was used in refining the conceptual framework and in drafting the proposed regulations.

[In addition, prior to formal notice of these proposed regulations, the Board conducted workshops on a draft version of the proposed regulations on July 18, 1994 in Sacramento, and on July 21, 1994 in Burbank. Input from these workshops was used in further refining the text of the proposed regulations.]

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS. &

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

One of the purposes of the proposed regulations is to lessen the regulatory burden on private persons and small businesses who would require a permit from the Board for their solid waste facilities. Current regulations require all operations, regardless of the type of solid waste facility, to obtain a solid waste facility permit through the same procedures. Thus, a compost facility must submit an application in the same detail and be subjected to the same review as a landfill. The proposed regulations provide the opportunity for less burdensome procedural requirements to be applied as appropriate. The structure set out in the proposed regulations allows for the entire range of regulation. As noted above, though, the actual application of these tiers will not be determined until later regulatory actions.

SECTION 18100

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section provides an initial quick overview of Article 3.0 and what is encompassed within it.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

Subdivision (a) of this section provides a general description of the contents of Article 3.0.

Subdivision (b) of this section provides that the provisions of Article 3.0. will only apply if made applicable by the Board's minimum standards. The Board will adopt these minimum standards through the rule-making process. As noted above, the application of the particular procedures in this Article will take place in the future. This Article only sets out a frame-work for later use. This subdivision therefore limits the applicability of the tiered permitting provisions to those facilities authorized to utilize them through formally adopted regulations.

Subdivision (c) of this section provides an outline of and location for the types of tiered permits provided for in this Article. This subdivision allows persons subject to these regulations to quickly refer to the regulations that are relevant to them.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18101

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section provides definitions which apply throughout Article 3.0. They are placed in a separate section to avoid repetition throughout the Article each time they appear.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

Subdivision (a) provides the definition of "acceptance for filing." The filing date provides the start of the application of the permit time lines in this Article, as well as those in the Permit Reform Act (Government Code section 15374 et seq.).

Subdivision (b) provides the definition of "annual loading." Annual loading information is required for the tiered permit applications.

Subdivision (c) provides the definition of a "change in operation." A change in operation will require the amendment of a permit.

Subdivision (d) provides the definition of "complete." This is necessary for the purpose of determining acceptance for filing.

Subdivision (e) provides the definition of "correct." This is necessary for the purpose of determining acceptance for filing.

Subdivision (f) provides the definition of "full permit" and provides the location of the procedures relevant to that type of solid waste facilities permit.

Subdivision (g) provides the definition of "location map." Location map information is required for the tiered permit applications.

Subdivision (h) provides the definition of "operation" which is necessary to provide the parameters of activities covered by these regulations.

Subdivision (i) provides the definition of "peak loading." Peak loading information is required for the tiered permit applications.

Subdivision (j) provides the definition of "site map." Site map information is required for the tiered permit applications.

Subdivision (k) provides the definition of "tiered permit" in order to distinguish the procedures for permits set out in this Article from those set out for full solid waste facilities permits in the Article that follows.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18102

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section provides the designation that will be given to activities which will not be subject to any notification or permitting requirements prior to commencing operations. As noted above, the activities which will receive this designation will be determined in future rule-making efforts.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

The proposed regulations anticipate that during future rule-making efforts, there may be some activities which might arguably require a solid waste facilities permit based on a strict interpretation of statute, but which the Board may determine should not be required to meet this requirement. The Board previously made this type of determination when it adopted minimum standards for green material composting facilities, but determined that "backyard composting" by individuals should not be considered a composting facility. This section retains the Board's authority to make similar designations in future rule-making efforts.

[Concurrent with these proposed regulations, regulations are being proposed for composting facilities. For logistical reasons, those proposed regulations also contain tiered

permitting procedures. The procedures are the same in substance as those contained herein, with one exception. Operations which are designated as "pre-authorized" in these regulations are designated as "excluded" in the proposed composting regulations. These two packets of proposed regulations will be formally noticed for public comment at the same time. During the rule-making process, the board will determine which designation is the most appropriate and revise both sets of regulations accordingly.]

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18103

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section limits the applicability of the "enforcement agency notification" requirements and also provides a quick outline of the provisions relevant to this designation. As noted above, the activities which will receive this designation will be determined in future rule-making efforts.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

Subdivision (a) of this section provides that the enforcement agency notification provisions will only apply if made applicable by the Board's minimum standards. The Board will adopt these minimum standards through the rule-making process. As noted above, the application of the particular procedures in this Article will take place in the future. This Article only sets out a frame-work for later use. This subdivision therefore limits the applicability of the enforcement agency notification provisions to those facilities authorized to utilize them through formally adopted regulations. While the text of this subdivision

is somewhat redundant with the text of section 18100(b), it is necessary to provide clarity for users of these regulations who may only refer to the sections relevant to their activities.

Subdivision (b) of this section provides an outline of and location for the various requirements related to enforcement agency notification. This subdivision allows persons subject to these regulations to quickly refer to the regulations that are relevant to them. This is also necessary because the sections related to enforcement agency notifications could not be separated at a hierarchical level below "Article."

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18103.1

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section specifies what information must be provided to the enforcement agency by an operation subject to the "enforcement agency notification" requirements.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

As with the pre-authorized designation discussed above, the proposed regulations anticipate that during future rule-making efforts, there may be some activities which might arguably require a solid waste facilities permit based on a strict interpretation of statute, but which the Board may determine should not be required to meet this requirement. Although the Board has not previously made a determination of this type, a number of participants in the informal workshops discussed above, expressed a need to allow for this type of designation in a tier framework. Operations which will be subject to the "enforcement

agency notification" requirements will not be subject to obtaining a solid waste facilities permit. However, they will be required to notify the enforcement agency of their existence and they will be subject to minimum standards which will be set in future rule-making efforts. According to workshop participants, this designation is necessary to regulate operations for the protection of the public health and safety and the environment, but the type of operations which will fit this designation would not require the type of advance review that is required to obtain a solid waste facilities permit.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18103.2

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section requires the enforcement agency to maintain a record of the notifications that it receives, and to make them available for public review.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

The enforcement agency list maintained pursuant to this section will be the only locally available list of solid waste handling operations in an enforcement agency's jurisdiction which are subject to state minimum standards but not to solid waste facility permit requirements. This list will provide an important tool to the enforcement agency for tracking these operations and for local citizens and other groups concerned about these types of operations.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18103.3

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section requires an operator to notify the enforcement agency that he or she is ceasing operations.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

This requirement allows the enforcement agency to keep its list of operations current. In addition, it would allow the enforcement agency to inspect the site prior to the cessation of operations, if necessary, to ensure that any site clean-up or closure requirements which are made applicable by minimum standards are met.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18104

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section limits the applicability of "registration permits" and also provides a quick outline of the provisions relevant to this type of permit.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

Subdivision (a) of this section provides that the registration permit provisions will only apply if made applicable by the Board's minimum standards. The Board will adopt these minimum standards through the rule-making process. As noted above, the application of the particular procedures in this Article will take place in the future. This Article only sets out a framework for later use. This subdivision therefore limits the applicability of the registration permit provisions to those facilities authorized to utilize them through formally adopted regulations. While the text of this subdivision is somewhat redundant with the text of section 18100(b), it is necessary to provide clarity for users of these regulations who may only refer to the sections relevant to their activities.

Subdivision (b) of this section provides that any registration permit issued pursuant to these provisions shall be deemed to incorporate by reference any applicable minimum standards as terms and conditions of the permit. This is necessary because as the provisions below indicate, the registration permit will not consist of a separate document that is drafted and prepared by the enforcement agency on a case-by-case basis. Rather, the types of facilities which will ultimately fit in this tier will be subject to the same general requirements.

Subdivision (c) of this section provides an outline of and location for the various requirements related to registration permits. This subdivision allows persons subject to these regulations to quickly refer to the regulations that are relevant to them. This is also necessary because the sections related to registration permits could not be separated at a hierarchical level below "Article."

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS

EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18104.1

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section specifies what information must be provided to the enforcement agency by an operator applying for a registration permit.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

The registration permit would be applicable to activities that constitute solid waste facilities. As such, these facilities are required to obtain a solid waste facilities permit prior to commencing operations pursuant to PRC section 44002. These facilities, though, are significantly different from solid waste activities which have been historically subject to the solid waste facilities permit requirements, such as landfills. The facilities which would be eligible for registration permits would be less complex, constitute less of a risk to the public health and safety and the environment, and not have the permanent nature of landfills. The enforcement agency would thus require less detailed information regarding the proposed facility operations and consequently less time to review the information that was provided.

The opening clause of this section provides that in order to obtain a registration permit, an application must be filed with the enforcement agency along with a fee set by the enforcement agency. This is based on PRC sections 44001 and 44006(c). Although these requirements are in the statute, they are repeated in this section to provide clarity and sufficient guidance for those subject to these regulations. The pre-existing regulations for landfill permit applications do not repeat the requirements for applying to the enforcement agency and for providing any required fee. In some cases, applicants have applied directly to the Board and/or have failed to pay required fees. This proposed regulation is designed to provide this pertinent information to applicants who are only reading the regulations and not referring

back to the relevant statutes.

Subdivisions (a) through (f) of this section set forth the minimal information required to be included in an application for a registration permit.

Subdivision (a) requires that the applicant identify to whom they are applying and which section they claim authorizes their registration permit.

Subdivision (b) requires facility location information.

Subdivision (c) requires information regarding the proposed facility operations.

Subdivision (d) requires information about the operator of the facility.

Subdivision (e) requires information to verify that the facility meets and/or does not interfere with waste diversion goals required by the Integrated Waste Management Act.

Subdivision (f) requires that the applicant and the owner of the property on which the facility is located to submit this information under penalty of perjury, in accordance with PRC 44006(a).

The information required above is necessary for the enforcement agency to confirm the facilities eligibility for a registration permit and that the facility meets the statutory requirements for obtaining a solid waste facilities permit.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18104.2

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section specifies the procedures that the enforcement agency will follow in reviewing a registration permit application.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

As noted above, the types of facilities that will be eligible for the registration permit will be less complex and pose less of a risk to the public health and safety and the environment than landfills. Therefore, the enforcement agency will not require the same amount of time to review these facilities prior to issuing permits.

Like the full solid waste facilities, the enforcement agency will have to perform a review of the application for completeness and correctness within 30 days of receipt of the application. However, once the application is found to be complete and correct, the enforcement agency will not have to devote any resources to drafting a proposed permit or to analyzing the information in the application. It will stamp the application as accepted for filing and mail a copy back to the applicant. The accepted application will constitute the permit to operate. As noted above, this permit will be deemed to incorporate by reference all the applicable minimum standards for the type of facility for which it has been granted.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18104.3

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section sets forth the recordkeeping requirements for the enforcement agency for pending registration permit applications and any comments that it receives regarding them.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

The list and public comments will provide an important tool to the enforcement agency for tracking these operations and for local citizens and other groups concerned about these types of operations.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18104.4

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section sets forth the procedure which an applicant can use to appeal a determination by the enforcement agency that his or her application was not complete and correct.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

The completeness review serves as the only advance permit review for registration permits. A facility can not receive a registration permit unless its application is accepted for filing. Therefore, a procedure is necessary to allow for an appeal of this determination.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18104.5

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section provides the procedural requirements which must be complied with when a facility which is operating pursuant to a registration permit has changed its operations. Section 18101(c) defines what constitutes a change in operations.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

Solid waste facilities change their operations from time to time and a mechanism is necessary to update the permit under which it is operating. In the case of facilities operating under a registration permit, though, the procedure for reviewing a new application is already minimal. Therefore, this section requires that a change in operation requires that the same procedures be followed as those required for a new registration permit. This requirement is in lieu of constructing a separate procedure for amending a registration permit which would have been at best confusing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18104.6

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section requires the owner of property upon which a facility is operated to notify the enforcement agency prior to sale of the property.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

This section is designed to avoid unnecessary permit amendments. When the operator is not the landowner, a change in ownership does not constitute a change in operations as defined in section 18101(c). In such cases, the change does not rise to the level of one which would justify amending the permit. However, this information is important enough to require that accurate and updated information be maintained.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18104.7

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section sets forth the registration permit review requirements.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

PRC section 44015 requires that all solid waste facilities permits shall be reviewed at least once every five years. This section provides the procedures to be followed in carrying out that requirement.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18104.8

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section sets forth the method by which a registration permit can be suspended or revoked.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

PRC section 44500 et seq. provides the procedures for suspension and revocation of solid waste facilities permits. For purposes of clarity, this section specifies that the same procedures which are followed for full solid waste facilities permits shall be followed for registration permits.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18104.9

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section that a registration permit becomes void 30 days after cessation of operations.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

In the past it has been argued that (full) solid waste facilities permits are valid until terminated or surrendered. This has been due to the nature of the facilities typically receiving a solid waste facilities permit. Landfill waste remain on-site after cessation of the active receipt of waste. The same reasoning would not apply to facilities receiving a registration permit. The provisions of this section prevent the need for unnecessary surrender or termination procedures.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section limits the applicability of "standardized permits" and also provides a quick outline of the provisions relevant to this type of permit.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

Subdivision (a) of this section provides that the standardized permit provisions will only apply if made applicable by the Board's minimum standards. The Board will adopt these minimum standards through the rule-making process. As noted above, the application of the particular procedures in this Article will take place in the future. This Article only sets out a framework for later use. This subdivision therefore limits the applicability of the standardized permit provisions to those facilities authorized to utilize them through formally adopted regulations. While the text of this subdivision is somewhat redundant with the text of section 18100(b), it is necessary to provide clarity for users of these regulations who may only refer to the sections relevant to their activities.

Subdivision (b) of this section provides that any standardized permit issued pursuant to these provisions shall only contain those terms and conditions set forth in any applicable minimum standards. It is anticipated that the minimum standards authorizing the use of a standardized permit for certain types of facilities shall also set forth the applicable standardized permit as a form in those regulations. (Hence, the name "standardized permit.")

Subdivision (c) of this section provides an outline of and location for the various requirements related to standardized permits. This subdivision allows persons subject to these regulations to quickly refer to the regulations that are relevant to them. This is also necessary because the sections related to standardized permits could not be separated at a hierarchical level below "Article."

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.1

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section specifies what information must be provided to the enforcement agency by an operator applying for a standardized permit.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

The standardized permit would be applicable to activities that constitute solid waste facilities. As such, these facilities are required to obtain a solid waste facilities permit prior to commencing operations pursuant to PRC section 44002. These facilities, though, are significantly different from solid waste activities which have been historically subject to the solid waste facilities permit requirements, such as landfills. The facilities which would be eligible for standardized permits would be less complex, constitute less of a risk to the public health and safety and the environment, and not have the permanent nature of landfills. They would, however, require more information and review than those facilities allowed to use the registration permit. The enforcement agency would require less detailed information regarding the proposed facility and consequently less time to review the information that was provided.

The opening clause of this section provides that in order to obtain a standardized permit, an application must be filed with the enforcement agency along with a fee set by the enforcement agency. This is based on PRC sections 44001 and 44006(c). Although these requirements are in the statute, they are repeated in this section to provide clarity and sufficient guidance for those subject to these regulations. The pre-existing regulations for landfill permit applications do not repeat the requirements for applying to the enforcement agency and for providing any required fee. In some cases, applicants have applied directly to the Board and/or have failed to pay required fees. This section provides this pertinent information to applicants who are only reading the regulations and not referring back to the relevant statutes.

Subdivisions (a) through (g) of this section set forth the information required to be included in an application for a standardized permit.

Subdivision (a) requires that the applicant identify who they are applying to and what section they claim authorizes them to receive a standardized permit.

Subdivision (b) requires facility location information.

Subdivision (c) requires information regarding the proposed facility operations.

Subdivision (d) requires information about the operator of the facility.

Subdivision (e) requires that a "Report of Facility Information" be submitted with the application. This section does not set out the contents of that report because this will not be determined until future rule-making efforts. The reference in this section is to that portion of the Board's regulations where the required contents of the reports that apply to various types of facilities are set out. Currently, Article 3.2 has provisions describing the required contents of the Report of Disposal Site Information (landfills), Report of Station Information (Transfer Stations), and Report of Green Composting Site Information (Green Material Composting Facilities).

Subdivision (f) requires information to verify that the facility meets and/or does not interfere with waste diversion goals required by the Integrated Waste Management Act.

Subdivision (g) requires that the applicant and the owner of the property on which the facility is located to submit this information under penalty of perjury, in accordance with PRC 44006(a).

The information required above is necessary for the enforcement agency to confirm the facilities eligibility for a standardized permit and that the facility meets the statutory requirements for obtaining a solid waste facilities permit.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.2

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section specifies the procedures that the enforcement agency will follow in reviewing a standardized permit application.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

As noted above, the types of facilities that will be eligible for the standardized permit will be less complex and pose less of a risk to the public health and safety and the environment than landfills. In addition, the terms and conditions of the permit will already be set by regulation. Much of the time currently allowed for review of the full solid waste facilities permit is devoted by the enforcement agency to the drafting of terms and conditions for the permit. Since the terms and conditions of the standardized permit would be already set, there is no need for this additional time to be required for the review of the permit. Therefore, the enforcement agency will not require the same amount of time to review these facilities prior to sending a proposed permit to the Board.

Like the full solid waste facilities, the enforcement agency will have to perform a review of the application for completeness and correctness within 30 days of receipt of the application. Once the application is found to be complete and correct, the enforcement agency will have 15 days within which to perform any necessary review of the application, report of facility information, and facility. This contrasts with the 60 day period necessary for full solid waste facilities permits.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.3

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section sets forth the procedure which an applicant can use to appeal a determination by the enforcement agency that his or her application was not complete and correct.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

The completeness review serves to start the time clock for review and issuance of a standardized permit. A facility can not receive a standardized permit unless its application is accepted for filing. Likewise, any appeal mechanisms made available by the Permit Reform Act do not commence if an application is rejected as incomplete. Therefore, a procedure is necessary to allow for an appeal of this decision.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.4

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section sets forth the procedures which the Board will utilize in reviewing a proposed standardized permit.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

The two main differences between this review and that for a full permit is that the permit will be approved by the executive director, not the board, and that the review is to take place within 30 days rather than 60 days. These differences are reflections on the lesser review necessary for these types of

permits, as discussed above. In addition, as a practical matter, a good portion of the 60 day board review period is used up in waiting for a scheduled Board meeting to consider a proposed full solid waste facilities permit on the monthly board agenda. In the case of standardized permits, the executive director's schedule is not so constrained and the additional time period to allow for Board consideration is unnecessary.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.5

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section sets forth the mechanism for appealing the executive director's determination on a proposed standardized permit.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

Since the Board is delegating its authority to the executive director to review proposed standardized permits, an appeals mechanism to the Board is necessary. The procedure in this section allows the board 60 days to decide the merits of an appeal. This time frame is necessary in order to allow the board to make its determination at a regularly scheduled monthly meeting.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.6

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section sets forth the recordkeeping requirements for the enforcement agency for pending standardized permit applications and any comments that it receives regarding them.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

The list and public comments will provide an important tool to the enforcement agency for tracking these operations and for local citizens and other groups concerned about these types of operations.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.7

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section provides the procedural requirements which must be complied with when a facility which is operating pursuant to a standardized permit has changed its operations. Section 18101(c)

defines what constitutes a change in operations.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

Solid waste facilities change their operations from time to time and a mechanism is necessary to update the permit under which it is operating. In the case of facilities operating under a standardized permit, though, the procedure for reviewing a new application is already minimal. Therefore, this section requires that a change in operation requires that the same procedures be followed as those required for a new standardized permit. This requirement is in lieu of constructing a separate procedure for amending a standardized permit which would have been at best confusing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.8

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section requires the owner of property upon which a facility is operated to notify the enforcement agency prior to sale of the property.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

This section is designed to avoid unnecessary permit amendments. When the operator is not the landowner, a change in ownership does not constitute a change in operations as defined in section 18101(c). In such cases, the change does not rise to the level of one which would justify amending the permit. However, this information is important enough to require that accurate and updated information be maintained.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.9

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section sets forth the standardized permit review requirements.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

PRC section 44015 requires that all solid waste facilities permits be reviewed at least once every five years. This section provides the procedures to be followed in carrying out that requirement.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.10

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section sets forth the method by which a standardized permit can be suspended or revoked.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

PRC section 44500 et seq. provides the procedures for suspension and revocation of solid waste facilities permits. For purposes of clarity, this section specifies that the same procedures which are followed for full solid waste facilities permits shall be followed for standardized permits.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

SECTION 18105.11

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THAT THE REGULATION IS INTENDED TO ADDRESS.

This section that a standardized permit becomes void 30 days after cessation of operations.

SPECIFIC PURPOSE AND NECESSITY OF THE REGULATION.

In the past it has been argued that (full) solid waste facilities permits are valid until terminated or surrendered. This has been due to the nature of the facilities typically receiving a solid waste facilities permit. Landfill waste remains on-site after cessation of the active receipt of waste. The same reasoning would not apply to facilities receiving a standardized permit. The provisions of this section prevent the need for unnecessary surrender or termination procedures.

DRAFT

INITIAL STATEMENT OF REASONS

JULY 5, 1994

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO PRIVATE PERSONS.

See General discussion of Article 3.0.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS.

See General discussion of Article 3.0.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 20, 1994

AGENDA ITEM 13

ITEM: Consideration of Approval to Notice For Public Comment the Minimum Standards For Green Material, Consumer Material, Sewage Sludge, and Mixed Solid Waste Composting Facilities, Title 14 California Code of Regulations, Sections 17850-17899.

BACKGROUND:

State law requires all solid waste facility operators to obtain a solid waste facilities permit before operating in the State of California. Since state law declares that a composting facility is a solid waste facility, composting facility owner/operators must obtain a solid waste facilities permit. The following Composting Regulations are designed to help compost facility operators meet this requirement.

The California Integrated Waste Management Board (CIWMB) identified five goals that must be met in preparing Composting Regulations. The Composting Regulations must be: 1) designed to protect the environment; 2) based on the best scientific information available; 3) free of regulatory overlap with federal, state, and local agencies; 4) written in a way that allows composting facility owner/operators to easily understand the requirements for operating their particular facilities; and, 5) fashioned in a way that equates the need for regulatory oversight with the review necessary to obtain a permit and to operate.

The Permitting & Enforcement Committee is committed to promulgating composting regulations by late 1994, or early 1995. Towards this end, Board staff have carried out a series of workshops to solicit public comment on the regulatory requirements contained in the October 12, 1993 draft composting regulations. The first public workshop took place on November 23, 1993 at California Integrated Waste Management Board (CIWMB) offices in Sacramento, California. The need to develop a tiered permitting process and a set of performance requirements, rather than prescriptive standards for composting facilities, were among a number of policy issues raised during the November workshop.

Subsequent to the November 1993 workshop, the Compost Advisory Panel was requested to provide input on revised regulations intending to address many of the comments received at the November workshop. On July 8, 1994, staff released a final draft of the regulations for informal comment (Attachment B, Chapter 3.1 Composting Facilities Permitting Procedures and Minimum Standards).

Upcoming rulemaking activities and tentative target dates are listed below.

<u>Activity</u>	<u>Target Date</u>
(1) File Public Notice with the Office of Administrative Law	August 2, 1994
(2) Printing and Mailing Packages to Interested Parties	August 2, 1994
(3) End of 45-Day Comment Period	September 26, 1994
(4) Public Hearing	September 27, 1994

A copy of the draft regulations Board staff intends to file with the Office of Administrative Law is included as Attachment B, Chapter 3.1 Composting Facilities Permitting Procedures and Minimum Standards. These regulations were released to the public on July 8, 1994.

ANALYSIS:

Based on public comment and guidance from the Permitting and Enforcement Committee, Board staff have prepared a revised set of composting regulations that focus on the following major areas:

- (1) Deletion of regulatory overlap with State Water Quality Control Board and other local agencies in accordance with Assembly Bill 1220.
- (2) Development of broader exemptions for certain compost-related operations, which is accomplished by identifying activities that do not constitute a composting facility for the purpose of these regulations (i.e., backyard composting, community gardens, biomass facilities, mushroom farms etc.);
- (3) Development of a tiered permitting mechanism that provides for an appropriate level of regulation, that consists of an exclusion for operations that do not constitute a composting facility and includes four types of regulatory tiers for composting operations: namely, a) Enforcement Agency Notification; b) Registration Permit; c) Standardized Permit, and d) Full Solid Waste Facilities Permit); and
- (4) Development of performance rather than prescriptive minimum composting requirements, which entails the use of performance standards rather than prescriptive standards wherever appropriate in order to minimize the effects of composting upon public health and safety, and the environment.

A tiered permitting matrix for composting operations is being included in this agenda package as Attachment C, Tiered Permitting Structure.

STAFF RECOMMENDATION:

Staff recommends that the Permitting and Enforcement Committee approve to notice for public comment the proposed Minimum Standards For Green Material, Consumer Material, Sewage Sludge, and Mixed Solid Waste Composting Facilities (Title 14 California Code of Regulations, Sections 17850-17899), included as an attachment to this item and as revised pursuant to public testimony received on or before July 25, 1994.

ATTACHMENTS:

- A. Executive Summary
- B. Proposed Minimum Standards for Green Material, Consumer Material, Sewage Sludge, and Mixed Solid Waste Composting Facilities
- C. Tiered Permitting Matrix

Prepared by: Paulino Luna Phone: 255-2424 *P. Luna*
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Reviewed by: Caren Trgovcich *CT* Phone: 255-2207
Legal review: ETB Date/Time: 7/8/94 4:35p.m.

Executive Summary
Prepared by:
California Integrated Waste Management Board
July 8, 1994

**Draft Composting Regulations: Chapter 3.1 Composting
Facilities Permitting Procedures and Minimum Standards**

Background

State law requires all solid waste facility operators to obtain a solid waste facilities permit before operating in the State of California. Since state law declares that a composting facility is a solid waste facility, composting facility owner/operators must obtain a solid waste facilities permit. The following Composting Regulations are designed to help compost facility operators meet this requirement.

The California Integrated Waste Management Board (CIWMB) identified five goals that must be met in preparing Composting Regulations. The Composting Regulations must be: 1) designed to protect the environment; 2) based on the best scientific information available; 3) free of regulatory overlap with federal, state, and local agencies; 4) written in a way that allows composting facility owner/operators to easily understand the requirements for operating their particular facilities; and, 5) fashioned in a way that equates the need for regulatory oversight with the review necessary to obtain a permit and to operate.

The first two goals were met by the work of the Compost Advisory Panel. This diverse panel consists of twenty-three members representing agriculture, local and state governments, various sectors of the composting industry, academia, environmental organizations, and the public. The principal function of the panel was to provide technical expertise.

The third goal was achieved by adhering to the spirit of Assembly Bill 1220 and working closely with other state and local agencies.

As an ongoing effort to address the fourth goal, CIWMB members and staff continue to collaborate with the regulated and enforcement communities. An example of this collaborative effort is the decision to use performance standards rather than prescriptive standards wherever appropriate in the Composting Regulations. This decision was based primarily on input received during the promulgation of the Green Material Composting Regulations. Additionally, two more public workshops are planned and the participants will be called on to help make these regulations user-friendly. Finally, input received during the formal comment periods will also be used to assure that this goal is met.

To meet the fourth goal, the CIWMB directed staff to begin developing a tiered regulatory structure that could not only be used for composting operations, but also for other solid waste handling operations and facilities. This effort was undertaken concurrently with the Composting Regulations development effort. In addition,

operational requirements set forth in the regulations vary as appropriate in accordance with the type and amount of feedstock being composted.

Regulatory Tiers for Composting Operations

The regulatory tier structure was specifically designed to help owner/operators comply with the requirements of statute in the most realistic way possible based on a operation's potential to cause harm. The premise is that an operation that poses relatively little risk to the environment should be able to commence operating with less advance review. For example, the operator of small green material composting operation should be able to obtain a permit without going through the same process as the operator of a large solid waste disposal facility.

These draft Composting Regulations consist of three regulatory tiers, an exclusion, and a full solid waste facilities permit. The regulatory tiers are: 1) Notification of Enforcement Agency, 2) Registration Permit, and 3) Standardized Permit.

● Excluded Operations

Activities or operations that do not constitute a composting facility as defined in these regulations are not obligated to meet the requirements of Chapter 3.1 or Chapter 5 of the California Code of Regulations (CCR). Examples of excluded activities are backyard composting and community garden composting. Examples of excluded operations are certain agricultural composting operations, biomass sites, and vermicomposting operations.

● Notification of Enforcement Agency

This is the lowest level of CIWMB regulatory oversight. It is designed for facilities that are do not pose any significant threat to public health, safety, or the environment. Facilities that qualify for this level of regulation are required to notify the enforcement agency of their existence by letter, and comply with State Minimum Standards. This regulatory tier applies to agricultural composting operations that do not qualify for an exclusion and small green material composting operations.

● Registration Permit

Registration is the lowest level of tiered permit. Facilities that qualify for registration must submit an application containing specified information. These facilities must meet specified operating standards depending on size and feedstock. This permit requires California Integrated Waste Management Plan conformance (CIWMP) and CIWMB concurrence before the permit can be issued. A Registration Permit could apply to medium green material or small food processing residue composting facilities. The entire procedure

should take approximately 30 days.

- **Standardized Permit**

A facility will qualify for a Standardized Permit when its siting, design, and operation are particularly conducive to composting, and do not deviate from expected norms. The permit application includes specified general information and a Report of Facility Information as required by the applicable sections of Article 3.2 of Chapter 5 of the CCR. The Standardized Permit requires California Integrated Waste Management Plan conformance (CIWMP) and CIWMB concurrence before the permit can be issued. A Standardized Permit could apply to certain green or food processing residue composting facilities. The Standardized Permit procedure takes approximately 75 days.

- **Full Solid Waste Facilities Permit**

Sewage sludge and Municipal Solid Waste (MSW) composting facilities require Full Solid Waste Facilities Permits. This is the same type of permit that is required of all solid waste disposal facilities and transfer stations currently. The procedure to obtain a full solid waste facilities permit is detailed in Article 3.1, Chapter 5, Title 14. This permit takes approximately 120 days to obtain.

Compost Feedstock Categories

The following defines each compost feedstock category:

- **Green Material**

Green material is any plant material residue resulting from residential or community activities. Green materials may include leaves, grass clippings, weeds, tree trimmings, shrubbery cuttings, residential or community garden residues, or untreated wood or construction debris. To qualify as a green material, it must be either separated at the point of generation, or separated at a centralized facility which employs methods to minimize contamination.

- **Manure**

Manure is any accumulated animal excrement, including feces and urine and bedding material, spilled feed, or soil that is mixed with feces or urine. Manure is a subset of green material and is regulated as green material unless otherwise indicated.

- **Food Processing Residue**

Food Processing Residue is any pre-processed and post-processed material derived from plant wastes, which is grown, processed, marketed, or managed by any non-residential, non-community, or commercial entity(ies) for consumption by humans and domesticated or wild animals. Food Processing Residue must be either separated at

the point of generation, or separated at a centralized facility which employs methods to minimize contamination.

- ***Sewage Sludge***

Sewage sludge is solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works.

- ***Mixed Solid Waste***

Mixed solid waste is any material which is part of the municipal solid waste stream and is mixed with or contains non-organics, processed industrial materials, or plastics, or material which is derived from animal remains, including but not limited to, non-mammalian animal flesh, bone, blood, hide, and fur.

Compost Operation Categories

In most cases compost operation categories are based on feedstocks. Operations that process a variety of feedstocks are governed by the feedstock which requires the more stringent regulation. The following defines each compost operation category:

- ***Agricultural Composting Operations***

Agricultural composting operations are part of the agricultural industry and process only green material, food processing residue, or manure, and additive and amendments, into compost.

- ***Green Material Composting Operations***

Green material composting operations process only green material and additives and amendments into compost.

- ***Food Processing Residue Composting Operations***

Food processing residue composting operations process food processing residue and additives and amendments into compost. An operation which composts green material in addition to food processing residue shall be considered a food processing residue composting facility.

- ***Sewage Sludge Composting Facilities***

Sewage sludge composting facilities process only sewage sludge and additives and amendments into compost. A facility which composts green material and/or food processing residue, in addition to sewage sludge, is considered a sewage sludge composting facility.

- ***MSW Composting Facilities***

Mixed solid waste composting facility process mixed solid waste and additives and amendments into compost. A facility which composts

sewage sludge, food processing residue, or green material, in addition to mixed solid waste, is considered a mixed solid waste composting facility.

Compost Operational Standards

Operational standards are determined by the size, type of feedstock, and appropriate regulatory tier for each composting operation. Operational standards are divided into three sections: 1) General Operating Standards; 2) Additional Operating Requirements; and, 3) Special Requirements. General Operating Standards apply to all composting operations and facilities. Additional Operating Requirements are more stringent and apply only to those facilities that qualify for Registration, Standardized, or Full permits. And finally, Special Requirements apply to specified types of facilities that qualify for only Standardized or Full permits.

Environmental Health Standards

Environmental health standards again are determined by the size, type of feedstock, and appropriate regulatory tier for each composting operation. Environmental health standards are divided into sections: 1) General Requirements; 2) Sampling Requirements; 3) Maximum Metal Concentrations; and, 4) Pathogen Reduction. General Requirements apply to all composting operations and facilities. Sampling Requirements, Maximum Metal Concentrations, and Pathogen Reduction requirements apply only to those facilities that qualify for Registration, Standardized, or Full permits.

Composting Operation Records

All composting operations are required to keep records for five years. The level of detail required by the regulations increases as the level of regulatory oversight increases. All records retained by composting operations are to be made available for inspection upon request.

Conclusion

The CIWMB is looking for your input on these draft regulations. The informal comment period will close at the public workshop in Burbank on July 21, 1994. Please submit any comments in writing by that date. Comments received during the informal comment period will be taken into consideration in drafting the regulatory packet which will go to formal notice in the beginning of August with a 45-day comment period under the auspices of the Office of Administrative Law.

For graphical illustration of the regulatory tiers and which type of operation is eligible for a given tier, please see the attached matrix.

July 8, 1994

**Draft Composting Regulations: Chapter 3.1 Composting Operations
Regulatory Tiered Structure and Minimum Standards**

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Section 17854	Definitions, Facility Operations

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Section 17864.1	Standardized Permit Filing Requirements
Section 17864.2	Enforcement Agency Processing Requirements
Section 17864.3	Completeness Appeal
Section 17864.4	Board Processing Requirements
Section 17864.5	Appeal of Decision
Section 17864.6	Record Keeping Requirements
Section 17864.7	Amendment to a Permit
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July 8, 1994

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Composting Operations Regulatory Requirements

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Section 17866	General Design Requirements
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Section 17867.1	General Operating Standards
Section 17867.2	Additional Operating Requirements
Section 17867.3	Special Requirements
Section 17867.4	Compliance Monitoring Program for Sewage Sludge Composting Facilities
Section 17867.5	Compliance Monitoring Program for Mixed Solid Waste Composting Facilities
Article 6	Environmental Health Standards
Section 17868.1	General Requirements
Section 17868.2	Sampling Requirements
Section 17868.3	Maximum Metal Concentrations
Section 17868.4	Pathogen Reduction
Article 7	Composting Operation Records
Section 17869.1	General Record Requirements
Section 17869.2	Additional Record Requirements
Section 17869.3	Special Record Requirements
Article 8	Composting Facility Site Restoration
Section 17870	Site Restoration

July 8, 1994

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Composting Operations Regulatory Requirements

Chapter 3.1

Article 1 General

Section 17850 Authority

(a) This Chapter is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with Section 40000 of the Public Resources Code (PRC), as amended. These regulations should be read together with the Act.

(b) This Chapter implements those provisions of the Act relating to composting. Nothing in this Chapter is intended to limit the power of any federal, state, or local agency to enforce any provision of law which it is authorized or required to enforce or administer.

(c) Nothing in these standards shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health entities, water and air quality boards, local land use authorities, and fire authorities.

Section 17851 Implementation of Regulations

(a) Compliance with the requirements of this Chapter, except for Article 4, shall be required within 90 days after the effective date of these regulations.

(b) An operator of a composting facility who has been granted a solid waste facilities permit prior to the effective date of this Chapter, shall not be subject to siting and design requirements (Article 4), until his/her solid waste facilities permit is amended pursuant to Division 30, Part 4, Chapter 3, Article 1, Section 44015 of the Public Resources Code.

(c) The enforcement agency may require an operator to comply with any or all of the siting and design requirements of this Chapter, prior to the schedule allowed by Subdivision (b) of this Section if it is necessary for the protection of the Public Health and Safety and the Environment.

Section 17852 Definitions, Feedstock and Facility Types

(a) "Active Compost" means compost feedstock which is in the process of being rapidly decomposed and is unstable. Active

Composting Operations Regulatory Requirements

compost is generating temperatures of at least 50 degrees Celsius (122 degrees Fahrenheit) during decomposition; or is releasing carbon dioxide at a rate of at least 15 milligrams of carbon dioxide per gram of compost per day, or the equivalent of oxygen uptake.

(b) "Additives" means material mixed with feedstock or active compost in order to adjust either the moisture level, carbon to nitrogen ratio, or porosity to create a favorable condition. Additives include, but are not limited to, process water, fertilizers and urea. Additives do not include septage, sewage, or compost feedstock.

(c) "Agricultural Composting Operation" means a operation which is part of the agricultural industry and which processes only green material, food processing residue, or manure, and additive and amendments, into compost. "Agricultural Composting Operation" does not include operations excluded from regulation in Section 17854.

(d) "Amendments" means materials added to stabilized or cured compost to provide attributes for certain compost products, such as product bulk, product nutrient value, product pH, and soils blend. Amendments do not include septage, sewage, or compost feedstock.

(e) "Composting Facility" means a facility that is operated for the purpose of producing compost, as defined in Division 30, Part 1, Chapter 2, Section 40116 of the Public Resources Code.

(f) "Demonstration Composting Facility" means a composting facility which has on-site at any given time not more than 2,500 cubic-yards of active composting material for a period of no more than two (2) years.

(g) "Feedstock" means any decomposable organic material used in the production of compost including, but not limited to, green material, food processing residue, sewage sludge, mixed solid waste, and manure. Additives and amendments are not feedstock.

(h) "Food Processing Residue" means any pre-processed and post-processed material derived from plant wastes, which is grown, processed, marketed, or managed by any non-residential, non-community, or commercial entity(ies) for consumption by humans and domesticated or wild animals. These entities include, but are not limited to, agriculture, food and dry good manufacturing and processing industries, restaurants, hospitals, and food distributors. Food processing residue shall be either separated at the point of generation, or separated at a

centralized facility which employs methods to minimize contamination.

(i) "Food Processing Residue Composting Facility" is a facility which processes food processing residue and additives and amendments into compost. A facility which composts green material in addition to food processing residue shall be considered a food processing residue composting facility.

(j) "Green Material" means any plant material which is derived from residential, community, or construction waste, including but not limited to, leaves, grass clippings, weeds, tree trimmings, residential or community garden wastes, untreated wood waste, or shrubbery cuttings. Green material shall be either separated at the point of generation, or separated at a centralized facility which employs methods to minimize contamination. Green material does not include plant material that is classified as food, or demolition or mixed construction debris.

(k) "Green Material Composting Facility" is a facility which processes only green material and additives and amendments into compost.

(l) "Manure" means accumulated animal excrement. This definition shall include feces and urine and bedding material, spilled feed, or soil that is mixed with feces or urine. Manure is a subset of green material and is regulated as green material unless otherwise indicated.

(m) "Mixed Solid Waste" means any material which is part of the municipal solid waste stream, and is mixed with or contains non-organics, processed industrial materials, or plastics, or material which is derived from animal remains, including but not limited to, non-mammalian animal flesh, bone, blood, hide, and fur. Mixed solid waste does not include source or centralized separated green material, manure, food processing residue, or sewage sludge feedstocks.

(n) "Mixed Solid Waste Composting Facility" is a facility which processes mixed solid waste and additives and amendments into compost. A facility which composts sewage sludge, food processing residue, or green material, in addition to mixed solid waste, shall be considered a mixed solid waste composting facility.

(o) "Sewage Sludge" means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage and scum or solids removed in primary, secondary, or

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advanced wastewater treatment processes. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit and screenings generated during the preliminary treatment of domestic sewage in a treatment works.

(p) "Sewage Sludge Composting Facility" is a facility which processes only sewage sludge and additives and amendments, into compost. A facility which composts food processing residue, or green material, in addition to sewage sludge shall be considered a sewage sludge composting facility.

(q) "Vermicomposting Operation" means a operation that produces compost through earthworm activity.

Section 17853 Definitions, Tiered Regulatory Structure

(a) "Acceptance for filing" means the enforcement agency has determined that the application is complete and correct and the specified permit action time frames contained in this Article commence.

(b) "Annual loading" is the maximum amount of waste/material to be handled by an operation annually.

(c) "Change in operations" means any change to a facility's operations, including, but not limited to, change in site description, change in materials handled, change in quantity of material handled, or change in operating hours.

(d) "Complete" means all information required as part of a solid waste facilities permit application submitted pursuant to this Article has been provided.

(e) "Correct" means all information provided by the applicant as part of a composting facilities permit application submitted pursuant to this Article is accurate, exact, and fully provides the applicable filing requirement information for the solid waste facility for which a permit is being sought.

(f) "Full permit" is a composting facilities permit obtained pursuant to procedures set forth in Article 3.1 of Chapter 5.

(g) "Location Map" means a map showing the general location of the operation at a scale size minimally equivalent to 1:24,000 USGS topological quadrangle.

(h) "Operation" means the receipt and processing of material.

Composting Operations Regulatory Requirements

(i) "Peak Loading" is the largest anticipated waste/material quantity to be received by an operation on any day of operation.

(j) "Site Map" means a map showing the general planned layout of the operations, including, but not limited to, operations areas and their relationships to property boundaries, adjacent land uses, proposed drainage systems, any excavation areas, and any other portions of the site dedicated to a specific use.

(k) "Regulatory Tier" is a type of regulatory oversight pursuant to procedures set forth in Article 3 of this Chapter.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17854 Definitions, Facility Operations

(a) "Aerobic Decomposition" means the biological decomposition of organic substances in the presence of oxygen.

(b) "Anaerobic Decomposition" means the biological decomposition of organic substances in the absence of oxygen.

(c) "Composting Process" means one or a combination of the following processes used to produce a compost product:

- (1) windrow composting process;
- (2) aerated or non-aerated static pile composting processes;
- (3) enclosed or within-vessel composting processes; and
- (4) other processes approved by the enforcement agency, which meet the requirements set forth in this Chapter.

(d) "Curing" means the final stage of the composting process. Curing occurs after compost has undergone pathogen reduction, as described in section 17867.4; and after most of the readily metabolized material has been decomposed and stabilized.

(e) "Domestic Sewage" means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

(f) "Dry Weight Basis" means calculated on the basis of having been dried until reaching a constant mass, which results in essentially a 100 percent solids content.

(g) "Enclosed Composting Process" means a composting process where the area that is used for the processing, composting, stabilizing, and curing of organic materials, is covered on all

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exposed sides and rests on a stable surface with a low permeability.

(h) "Insulating Material" means material used for the purpose of minimizing the loss of heat from an active compost pile. Insulating material includes, but is not limited to, soil, or compost which has undergone the "Process to Further Reduce Pathogens" (PFRP), as described in section 17867.4.

(i) "Operations Area" means the following areas within the boundary of a composting facility:

- (1) equipment cleaning, maintenance, or storage areas,
- (2) feedstock, and active, stabilizing, stabilized, curing, or cured compost processing or stockpiling areas; and
- (3) process water and stormwater drainage control systems.

(j) "Operator" means the landowner or other person who through a lease, franchise agreement or other arrangement with the owner becomes legally responsible the following requirements:

- (1) comply with regulatory requirements set forth in this Chapter;
- (2) complying with all applicable federal, state and local requirements;
- (3) the design, construction, and physical operation of the site; and
- (4) site restoration.

(k) "Owner" means the person or persons who own, in whole or in part, a composting facility, or the land on which a composting process is located.

(l) "Pathogenic Organism" means disease-causing organisms.

(m) "Process Water" means liquid that is generated during or used in the production of compost.

(n) "Stabilized Compost" means any organic material which has undergone:

- (1) aerobic biological decomposition by composting methods that comply with the Process to Further Reduce Pathogens (PFRP), as described in section 17867.4, and
- (2) is undergoing the curing process and has reached a stage of reduced biological activity as indicated by a reduced temperature and rate of respiration.

(o) "Vector" includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease.

Composting Operations Regulatory Requirements

(p) "Windrow Composting Process" means the process in which compostable material is placed in elongated piles. The piles or "windrows" are aerated and mechanically turned on a periodic basis.

(q) "Within-vessel Composting Process" means a process in which compostable material is enclosed in a drum, silo, bin, reactor, or other container for the purpose of pathogen reduction that complies with the Process to Further Reduce Pathogens (PFRP), as described in section 17867.4.

(r) "25-Year/24-Hour Rainstorm Event" means a 24-hour rainstorm event of a magnitude that is equalled or exceeded on the average once every 25 years over a long period of record.

Article 2 Regulatory Tiers for Composting Operations**Section 17855 Excluded Operations**

(a) The operations listed in this section do not constitute composting facilities for the purposes of this Chapter and are not required to meet the requirements set forth herein. If any health, safety, or environmental problem occurs at one of the following operations as a result of biological degradation of municipal solid wastes, the enforcement agency may inspect the operation and determine if any or all regulations under this Chapter apply and should be enforced.

(1) Residential composting ("backyard composting") is excluded if no more than 15 cubic-yards of any combination of green material, food processing residue, compost feedstock, active compost, and stabilized compost are on site at any one time. Any compost produced shall not be given away to the public or sold.

(2) Parks, community gardens, homeowners associations, or similar entities are excluded if fewer than 250 cubic-yards of any combination of green material, food processing residue, compost feedstock, active compost, and stabilized compost are on site at any one time. Compost which has been incorporated into the soil or placed on the surface shall not be included in the determination of total amount of compost materials and feedstock on site.

(3) Agricultural operations are excluded if they compost green material, food processing residue, and/or manure from an agricultural source and return a similar amount of the compost produced to that same agricultural source. Any

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compost produced shall not be given away to the public or sold.

(4) Agricultural operations are excluded if they compost green material, food processing residue, and/or manure feedstocks taken from an agricultural source and incorporate this compost into agricultural land owned or leased by their owner, parent, or subsidiary. Any compost produced shall not be given away to the public or sold.

(5) Chipping and grinding operations are excluded if they do not stockpile on site feedstock or material derived from feedstock for more than thirty (30) days.

(6) Biomass facilities are excluded.

(7) Mushroom farms are excluded.

(8) Operations that produce silage are excluded.

(9) Vermicomposting operations are excluded.

Section 17856 Agricultural Composting Operations

All agricultural composting operations shall comply with the enforcement agency notification requirements set forth in Sections 17862 through 17862.3 of this Chapter.

Section 17857 Green Material Composting Facilities

(a) A green material composting operations which has no more than 1,000 cubic yards of feedstock and active compost on site at any one time shall comply with the enforcement agency notification requirements set forth in Article 3 of this Chapter.

(b) A green material composting facility which has up to 10,000 cubic yards of feedstock and active compost on site at any one time shall obtain a Registration permit pursuant to the requirements of Article 3 of this Chapter prior to commencing operations.

(c) A green material composting facility which has more than 10,000 cubic yards of feedstock and active compost on site at any one time shall obtain a Standardized Permit pursuant to the requirements of Article 3 of this Chapter prior to commencing operations.

Composting Operations Regulatory Requirements

Section 17858 Food Processing Residue Composting Facilities

(a) A food processing residue composting facility which has up to 10,000 cubic yards of feedstock and active compost on site at any one time shall obtain a Registration permit pursuant to the requirements of Article 3 of this Chapter prior to commencing operations.

(b) A food processing residue composting facility which has more than 10,000 cubic yards of feedstock and active compost on site at any one time shall obtain a Standardized Permit pursuant to the requirements of Article 3 of this Chapter prior to commencing operations.

Section 17859 Sewage Sludge Composting Facilities

Sewage Sludge Composting Facilities shall obtain a Full Solid Waste Facilities Permit pursuant to the requirements of Article 3.1 of Chapter 5 of this Division (commencing with section 18200) prior to commencing operations.

Section 17860 Mixed Solid Waste Composting Facilities

Mixed Solid Waste Composting Facilities shall obtain a Full Solid Waste Facilities Permit pursuant to the requirements of Article 3.1 of Chapter 5 of this Division (commencing with section 18200) prior to commencing operations.

Article 3 Regulatory Tiers**Section 17861 Excluded Operations**

Operators of excluded operations are not required to notify the enforcement agency or submit an application for a solid waste facilities permit prior to commencing operations.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, Public Resources Code.

Section 17862 Enforcement Agency Notification

(a) Sections 17862.1 through 17862.3 establish the requirements for compliance with enforcement agency notifications as follows:

- (1) section 17862.1, Filing Requirements,
- (2) section 17862.2, Record Keeping Requirements, and
- (3) section 17862.3, Termination of Operation.

Composting Operations Regulatory Requirements

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, Public Resources Code.

Section 17862.1 Filing Requirements

Any operator proposing to operate a composting operation eligible for enforcement agency notification shall notify the enforcement agency of its intent in writing. This written notification shall be legible and include the name, address, and phone number of the proposed operation, as well as the name, address, and phone number where the operator can be contacted if these differ from the operations site. This notification shall identify the section authorizing eligibility for this tier.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, Public Resources Code.

Section 17862.2 Record Keeping Requirements

The enforcement agency shall retain the notification received pursuant to section 17862.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board within five days of receipt.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, Public Resources Code.

Section 17862.3 Termination of Operation

Any person intending to cease operations shall notify the enforcement agency in writing at least 15 days prior to the cessation of operations.

Note: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, Public Resources Code.

Section 17863 Registration Permit

(a) A registration permit shall be deemed to incorporate by reference all terms and conditions applicable to the particular facility for which it has been obtained as set forth in the minimum standards.

Composting Operations Regulatory Requirements

(b) Sections 17863.1 through 17863.9 establish the requirements for a registration permit as follows:

- (1) Section 17863.1, Filing Requirements
- (2) Section 17863.2, Enforcement Agency Processing Requirements
- (3) Section 17863.3, Record Keeping Requirements
- (4) Section 17863.4, Completeness Appeal
- (5) Section 17863.5, Change in Operation
- (6) Section 17863.6, Change in Owner
- (7) Section 17863.7, Permit Review
- (8) Section 17863.8, Suspend/Revoke
- (9) Section 17863.9, Voiding of a Registration

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802, and 50000-50002, Public Resources Code.

Section 17863.1 Registration Permit Filing Requirements

Any operator proposing to operate a composting facility eligible for a registration permit shall file an application with the enforcement agency which is accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code section 44006(c) and contains the following information:

(a) The name of the enforcement agency, the jurisdiction represented by the enforcement agency, and the section authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site plan, and location map.

(c) Facility information, including, but not limited to, volume and type of material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served upon the operator and owner.

(e) Conformance finding information consisting of statements that the material diverted by the facility from disposal or transformation will not interfere with the diversion goals of the jurisdiction from which it receives solid waste; that the facility is identified in the County Solid Waste Management Plan or in the Countywide Integrated Waste Management Plan; that the

Composting Operations Regulatory Requirements

facility is consistent with the city or county General Plan; and that the facility has no contractual agreements with local governments which would require transformation or disposal of recyclables materials which are needed to meet that jurisdiction's waste diversion goals pursuant to the California Integrated Waste Management Act.

(f) The owner and operator shall each certify under penalty of perjury that the information which they have provided is true and accurate to best of their knowledge and belief.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802, and 50000-50002, Public Resources Code.

Section 17863.2 Enforcement Agency Processing Requirements

(a) Upon receipt of an application filed pursuant to section 17863.1, the enforcement agency shall mark the application with the date of receipt.

(b) The enforcement agency shall notify every person who has submitted a written request to be notified of any application.

(c) The enforcement agency shall review the application to determine whether it meets the requirements of section 17863.1 within 30 days of receipt.

(d) If the enforcement agency finds the application is complete and correct, it shall be accepted for filing.

(e) The application shall be stamped with the date and time of acceptance.

(f) The enforcement agency shall issue a registration permit by mailing a copy of the accepted application to the applicant within five days of filing. In addition, the enforcement agency shall provide a copy of the registration permit to the board and any person who has so requested in writing.

(g) If the enforcement agency finds that the application is not complete and correct, it shall not be accepted for filing. A copy of the application accompanied by explanation shall be mailed to the applicant within five days.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17863.3 Record Keeping Requirements

(a) The enforcement agency shall maintain a current list of all pending applications at its offices. The list shall be publicly available during normal business hours.

(b) Written public comments on an application shall be retained by the enforcement agency.

(c) The enforcement agency shall forward copies of any written public comments received on a pending application to the board with the registration permit submitted pursuant to section 17863.2(f).

(d) Subsequent to the transmittal of the registration permit to the board, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board unless the comment clearly states that a copy has already been provided the board.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17863.4 Completeness Appeal

If an application is determined to be incomplete, the applicant may appeal that determination to the enforcement agency within 15 days of the date that notification was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the enforcement agency no later than 30 days after receipt of the applicant's appeal.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17863.5 Change in Operation

A new registration permit application shall be submitted when an operator proposes a change in operation, or to transfer his/her permit for the same operation to another operator, or if the enforcement agency determines that a change in facility operations has occurred.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17863.6 Change in Owner

Any person who owns property on which a composting facility is in operation pursuant to a registration permit shall notify the enforcement agency in writing at least 15 days prior to the encumbering, selling, transferring, or conveying of the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The enforcement agency shall transmit a copy of the notification to the board within five days of receipt.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17863.7 Registration Permit Review

(a) Every registration permit shall be reviewed at least once every five years from the date of issuance.

(b) The board shall notify the operator and the enforcement agency 60 days before the registration permit is due for review.

(c) No fewer than 30 days before the registration permit is due for review, the operator shall submit either a certification that the information contained in the current registration permit is current, or shall file a new application pursuant to section 17863.1.

(d) If an operator files a new application pursuant to section 17863.1, the enforcement agency shall follow the procedures set forth in sections 17863.2 and 17863.3.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 44015, Public Resources Code.

Section 17863.8 Suspend/Revoke

Any registration permit may be suspended or revoked by the enforcement agency for cause. Any such action shall be undertaken by the enforcement agency using the procedures set forth in Article 2, Chapter 4 of the Public Resources Code (section 44500 et. seq.).

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 44500-45802, Public Resources Code.

Section 17863.9 Voiding of a Registration Permit

Every registration permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the Board.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17864 Procedures to Obtain a Standardized Permit

(a) A standardized permit obtained pursuant to this Article shall contain only those terms and conditions applicable to the type of facility receiving it as set out in the minimum standards for that type of facility.

(b) Sections 17864.1 through 17864.11 establish the requirements for a standardized permit as follows:

- (1) Section 17864.1, Filing Requirements
- (2) Section 17864.2, Enforcement Agency Processing Requirements
- (3) Section 17864.3, Completeness Appeal
- (4) Section 17864.4, Board Processing Requirements
- (5) Section 17864.5, Appeal of Decision
- (6) Section 17864.6, Record Keeping Requirements
- (7) Section 17864.7, Amendment to a Permit
- (8) Section 17864.8, Change in Owner
- (9) Section 17864.9, Standardized Permit Review
- (10) Section 17864.10, Suspend/Revoke
- (11) Section 17864.11, Voiding of a Standardized Permit

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17864.1 Standardized Permit Filing Requirements

Any operator proposing to operate a composting facility eligible for a standardized permit shall file an application with the enforcement agency which is accompanied by the fee specified by the enforcement agency pursuant to Public Resources Code section 44006(c) and contains the following information:

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(a) The name of the enforcement agency, the jurisdiction represented by the enforcement agency, and the section authorizing eligibility for this tier.

(b) General description of the facility including, but not limited to name, location, site plan, and location map.

(c) Facility information, including, but not limited to, volume and type of material handled, peak and annual loading, hours of operation, traffic, facility size, site capacity, and operating area.

(d) Operator information, including identification of the land owner, his/her address and telephone number; identification of the facility operator, his/her address and telephone number; and the address(es) at which process may be served on the operator and owner.

(e) A Report of Facility Information that contains all of the information required by the applicable section(s) of Article 3.2, Chapter 5, of this Division.

(f) Conformance finding information consisting of statements that the material diverted by the facility from disposal or transformation will not interfere with the diversion goals of the jurisdiction from which it receives solid waste; that the facility is identified in the County Solid Waste Management Plan or in the Countywide Integrated Waste Management Plan; that the facility is consistent with the city or county General Plan; and that the facility has no contractual agreements with local governments which would require transformation or disposal of recyclables materials which are needed to meet that jurisdiction's waste diversion goals pursuant to the California Integrated Waste Management Act.

(g) The owner and operator shall each certify under penalty of perjury that the information provided is true and accurate to the best of their knowledge and belief.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, 43000-45802, and 50000-50002, Public Resources Code.

Section 17864.2 Enforcement Agency Processing Requirements

(a) Upon receipt of an application filed pursuant to section 17864.1, the enforcement agency shall mark the application with the date of receipt.

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(b) The enforcement agency shall notify every person who has submitted a written request to be notified of any application.

(c) The enforcement agency shall review the application to determine whether it meets the requirements of section 17864.1 within 30 days of receipt.

(d) If the enforcement agency finds the application is complete and correct, it shall be accepted for filing.

(e) The application shall be stamped with the date and time of acceptance.

(f) The enforcement agency shall evaluate the application and the facility to determine that both the application and the facility meet the requirements set forth in section 17864, and prepare the appropriate standardized permit within 15 days of acceptance of an application.

(g) The enforcement agency shall forward the proposed standardized permit, application package, and the results of any analysis to the board after completion of step (f) above. The enforcement agency shall further provide the applicant with a copy of the proposed standardized permit submitted to the board. In addition, the enforcement agency shall provide a copy of the proposed standardized permit to any person who has so requested in writing.

(h) If the enforcement agency finds that the application is not complete and correct, it shall not be accepted for filing. A copy of the application accompanied by explanation shall be mailed to the applicant within five days.

(i) Once the board has concurred in the issuance of the proposed standardized permit and has notified the enforcement agency pursuant to section 17864.4(e), the enforcement agency shall issue the standardized permit.

(j) If the board objects to the proposed standardized permit, the enforcement agency shall notify the applicant in writing of the board's decision within five days of receipt of that decision.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17864.3 Completeness Appeal

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If an application is determined to be incomplete, the applicant may appeal that determination to the enforcement agency within 15 days of the date that notification was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written determination on the appeal shall be made by the enforcement agency no later than 30 days after receipt of the applicant's appeal.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17864.4 Board Processing Requirements

(a) The board shall mark the proposed standardized permit with the date of receipt.

(b) The board shall evaluate the application package and the proposed standardized permit for compliance with the requirements set forth by section 17864.

(c) Within 30 days of receipt of a proposed standardized permit, the executive director of the board shall either concur in or object to the issuance of the proposed standardized permit.

(d) If the proposed standardized permit contains terms and conditions not authorized by the minimum standards but the permit is otherwise in conformance with these regulations, any additional unauthorized terms and conditions shall be stricken and the executive director will concur in the standardized permit.

(e) Within 5 days of the decision to concur in or object to a proposed standardized permit, the board shall notify the enforcement agency of its determination in writing. If the board objects, the reasons for the objection shall be provided to the enforcement agency.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17864.5 Appeal of Decision

(a) Any applicant may appeal the decision of the executive director taken pursuant to section 17864.4. The applicant shall submit a written appeal that specifies the grounds for the appeal to the board within 15 days of the date that notification was

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received from the enforcement agency pursuant to section 17864.2(j).

(b) A final written determination shall be made by the board no later than 60 days after receipt of the applicant's written appeal.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17864.6 Record Keeping Requirements

(a) The enforcement agency shall maintain a current list of all pending applications at its offices. The list shall be publicly available during normal business hours.

(b) Written public comments on an application shall be retained by the enforcement agency.

(c) The enforcement agency shall forward copies of any written public comments received on a pending application to the board with the proposed standardized permit submitted pursuant to section 17864.2(g).

(d) Subsequent to the transmittal of the proposed standardized permit, the enforcement agency shall within five days of receipt provide a copy of any additional written public comments to the board, unless the comment clearly states that a copy has already been provided the board.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17864.7 Amendment to a Permit

(a) A standardized permit shall be amended when an operator wishes to amend his/her permit, or transfer the permit for the same operation to another operator, or if the enforcement agency determines that an amendment is necessary due to a change in operations.

(b) A standardized permit shall be amended in accordance with the same procedures necessary to apply for a new standardized permit.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17864.8 Change in Owner

Any person who owns property on which a composting facility is in operation pursuant to a standardized permit shall notify the enforcement agency in writing at least 30 days prior to the encumbering, selling, transferring, or conveying of the property, or part thereof; or allowing the property, or part thereof, to be encumbered, sold, transferred, or conveyed. The enforcement agency shall transmit a copy of the notification to the board within five days of receipt.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Section 17864.9 Standardized Permit Review

(a) Every standardized permit shall be reviewed at least once every five years from the date of issuance.

(b) The board shall notify the operator and the enforcement agency 60 days before the standardized permit is due for review.

(c) No fewer than 30 days before the standardized permit is due for review, the operator shall submit either a certification that the information contained in the current permit is complete and correct, or shall file a new application pursuant to section 17864.1.

(d) If an operator files a new application pursuant to section 17864.1, the enforcement agency shall follow the procedures set forth in sections 17864.2 and 17864.5 and the board shall follow the procedures set forth in section 17864.4.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 44015, Public Resources Code.

Section 17864.10 Suspend/Revoke

Any standardized permit may be suspended or revoked by the enforcement agency for cause. Any such action shall be undertaken by the enforcement agency using the procedures set forth in Article 2, Chapter 4 of the Public Resources Code (section 44500 et. seq.).

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 44500-45802, Public Resources Code.

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Section 17864.11 Voiding of a Standardized Permit

Every standardized permit shall be void 30 days after cessation of operations. Any operator who intends to cease operations shall notify the enforcement agency of his/her last proposed date of operation at least 15 days in advance. The enforcement agency shall forward a copy of this notification to the Board.

Note: Authority cited: Sections 40502, 43020, and 43021, Public Resources Code. Reference: Sections 43020, 43021, and 43000-45802, Public Resources Code.

Article 4 Composting Facility Standards**Section 17865 Siting On Landfills**

(a) Composting facilities located atop closed solid waste landfills shall meet postclosure land use requirements pursuant to Title 14 CCR, Division 7, Chapter 3, Article 7.8.

(b) Composting facilities sited on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.

Section 17866 General Design Requirements

(a) Composting facilities shall be designed and constructed in such a manner as to enable the facilities to comply with the operational requirements set forth in Article 5 of the Chapter.

(b) Designs of facilities requiring a standardized or full solid waste facilities permit shall be approved by a civil engineer registered by the State of California, pursuant to Division 3, Chapter 7, of the Business and Professions Code.

Article 5 Composting Operating Standards**Section 17867.1 General Operating Standards**

(a) This section applies to all composting operations eligible for notification of the enforcement agency, registration, standardized, or full solid waste facilities permit.

(b) The composting of mammalian flesh, organs, unprocessed hide, blood, or bone and marrow is prohibited. This prohibition does not include composting of mammalian flesh, organs, unprocessed hide, blood, or bone and marrow derived from the food service

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industry, including the restaurant industry. Carcasses of animals with any contagious disease shall not be composted, unless approved in writing by the California Department of Food and Agriculture, Division of Animal Industry.

(c) All composting activities shall be conducted in a manner that minimizes or prevents vectors, odor impacts, and noise impacts.

(d) All composting site activities shall be conducted in a manner that to minimize human contact with, inhalation, ingestion, and transportation of dust, particulates, pathogenic organisms, including but not limited to viruses, molds, and *Aspergillus sp.*

(e) Facility grounds shall be cleaned of all litter at least weekly.

(f) Random load checks of feedstocks, additives, and amendments for contaminants shall be conducted as specified by the enforcement agency.

(g) A composting operation shall not accept hazardous waste. Any hazardous waste generated or inadvertently received shall be handled, stored, and removed pursuant to Division 4, Chapter 2, Title 22, California Code of Regulations.

(h) Storage and handling capacities shall not be exceeded.

(i) Compost piles and windrows shall be spaced to facilitate mixing and aeration.

(j) Windrow or compost pile dimensions shall not exceed the design specifications of the facility's equipment.

(k) Non-compostables shall be removed from the facility on a weekly basis or at a frequency approved by the enforcement agency.

(l) Wastes shall be stored separately from active, stabilizing, stabilized, curing, cured compost, and stockpiling areas.

(m) Feedstock shall be stored in a manner that does not create a hazard or nuisance or interfere with facility operations.

(n) Surrounding fencing, gates, and/or other natural or artificial barriers shall be maintained to discourage unauthorized human or animal access to the facility.

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(o) All working areas shall be adequately illuminated to ensure safe operation of vehicles and equipment.

(p) The operator shall provide fire prevention, protection, and control measures, including but not limited to, temperature monitoring of windrows, adequate water supply for fire suppression, and the isolation of potential heat sources and/or flammables from the composting pad. A firelane of a minimum of 12 feet in width, shall be maintained at the perimeter of the operations area.

(q) The operator shall provide and maintain communication capability for emergency purposes.

(r) The operator shall begin processing incoming feedstocks in a timeframe that does not create potential a nuisance, fire, or vectors, or as specified by the enforcement agency.

Section 17867.2 Additional Operating Requirements

(a) This section applies to all composting facilities eligible for a registration, standardized, or full solid waste facilities permit.

(b) All drainage, leachate control, and diversion systems shall be maintained and managed in good working order.

(c) The facility operations areas shall be designed and constructed to enhance the lateral drainage of liquids, including process water, wastewater from cleaning operations, and precipitation, and shall limit to the greatest extent possible, ponding, washout, and overflow.

(1) Facility operations areas shall have leachate control systems which shall be designed to contain, collect, dispose of or reuse all process water generated at the site.

(2) Facility operations areas shall be constructed with a minimum grade of 1% and consist of a thickness and type of material that is resistant to damage that would inhibit performance of the above requirements.

(3) Compost stockpile areas shall be kept separate from facility leachate drainage holding ponds.

(4) Diversion and drainage systems shall be designed and constructed to accommodate the expected volume of peak flows and surface runoff from a 25-year/24-hour rainstorm event.

(d) Erosion shall be minimized during facility construction, operation, and site restoration.

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(e) All facility road surfaces and traffic control signs shall be maintained.

(f) Vehicles containing putrescible materials shall not be parked on public streets or roads except under emergency conditions. Adequate off-street parking facilities for transfer vehicles shall be provided.

(g) Traffic flow into, on, and out of the composting facility shall be controlled.

(h) Contamination of the stabilized or cured compost with feedstocks or additives shall be prevented.

(i) Signs at all public entrances to the facility shall be posted, legible, and include the following information:

- (1) name of the facility,
- (2) name of the operator,
- (3) facility hours of operation,
- (4) materials that will and will not be accepted, if applicable,
- (5) schedule of charges, if applicable,
- (6) phone number where operator or designee can be reached in case of an emergency, and
- (7) any other information as required by the enforcement agency.

Section 17867.3 Special Requirements

(a) This section applies to certain types of composting facilities eligible for a standardized or full solid waste facilities permit.

(b) The concentration of polychlorinated biphenyls (PCBs) in compost products shall not exceed the maximum acceptable constituent concentrations of 2 milligrams per kilogram.

(c) Compost which is for sale, give away, or for incorporation into on-site land shall be analyzed for chlorinated hydrocarbons including PCBs. The compost shall be tested by a laboratory certified by the Department of Toxic Substances Control.

(1) Facilities that receive more than one-thousand (1,000) cubic yards of mixed solid waste feedstock annually shall analyze one sample of compost every six (6) months.

(2) Facilities that receive less than one-thousand (1,000) cubic yards of mixed solid waste feedstock annually shall analyze one sample of compost every year.

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(d) The operator of a mixed solid waste composting facility shall submit to the enforcement agency the following information on a quarterly basis, within 30 days after the end of the quarterly period:

(1) The results of all compost analyses performed during the last quarter, including the names(s) of the certified laboratory(ies) that performed the analyses; and

(e) Mixed solid waste or sewage sludge feedstock shall be reduced to a particle size and sufficiently mixed to ensure thorough decomposition.

(f) Sewage sludge and mixed solid waste composting facilities shall be designed and constructed to maintain, temporarily suspend, and secure operations areas during severe weather conditions.

Section 17867.4 Compliance Monitoring Program for Sewage Sludge Composting Facilities

(a) The operator of a sewage sludge composting facility shall comply with the environmental health standards and requirements specified in Article 6 as follows:

(1) Compost Product Monitoring for metals in Table 2 and pathogen density requirements in section 17868.4 shall meet the schedule set by Table 1 below.

Table 1 - Frequencies of Compost Product Monitoring

<u>Amount of sewage sludge compost feedstock (metric tons per 365 day period)</u>	<u>Frequency</u>
Greater than zero but fewer than 290	annually
Equal to or greater than 290 but fewer than 1,500	quarterly
Equal to or greater than 1,500 but fewer than 15,000	bimonthly
Equal to or greater than 15,000	monthly

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(A) Samples shall be analyzed for pathogen reduction determination if either section 17868.4(b) or (c) is chosen to meet the pathogen reduction criteria, and

(B) Temperature of the active compost shall be monitored and recorded as specified in Article 5 of this Chapter if section 17868.4(b) or (c) is chosen to meet the pathogen reduction criteria.

Section 17867.5 Compliance Monitoring Program for Mixed Solid Waste Composting Facilities

(a) The operator of a mixed solid waste composting facility shall comply with the applicable environmental health standards specified in Article 6, as follows:

(1) At least one composite sample shall be tested for every 5,000 cubic yards of mixed solid waste compost produced, or every 6 months, whichever comes first. The samples shall meet the metals standards in Table 2 and pathogen density requirements in section 17868.4..

(2) Measure moisture and oxygen content of active compost on a weekly basis at the point of temperature measurement, located pursuant to Article 5

(b) The enforcement agency may require the operator to conduct additional or more frequent monitoring.

Article 6 Environmental Health Standards

Section 17868.1 General Requirements.

(a) This section applies to all composting operations eligible for notification of the enforcement agency, registration, standardized, or full solid waste facilities permit.

(b) Any compost that does not meet the environmental health standards shall be designated for disposal, additional processing, or other use as approved by state or federal agencies having appropriate jurisdiction.

Section 17868.2 Sampling Requirements.

(a) To meet the requirements of sections 17868.3 and 17868.4, at least one composite sample shall be analyzed for every 5,000 cubic-yards of compost produced, as follows;

(1) A composite sample shall consist of twelve (12) mixed samples.

(A) The twelve samples shall be of equal volume.

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(B) Four samples shall be extracted at each of three different locations within the compost pile as follows:

1. One-half the horizontal width of the pile;
2. One-fourth the horizontal width of the pile;
3. One-eighth the horizontal width of the pile.

Section 17868.3**Maximum Metal Concentrations**

(a) No compost product shall contain any metals exceeding the maximum acceptable metal concentrations shown in Table 2.

Table 2 - Maximum Acceptable Metal Concentrations

<u>Constituent</u>	<u>Concentration (mg/kg)</u> <u>on dry weight basis</u>
Arsenic (As).....	41
Cadmium (Cd).....	39
Chromium (Cr).....	1200
Copper (Cu).....	1500
Lead (Pb).....	300
Mercury (Hg).....	17
Nickel (Ni).....	420
Selenium (Se).....	36
Zinc (Zn).....	2800

(b) All tests for metal concentrations in Table 2 shall be conducted at a certified lab.

Section 17868.4**Pathogen Reduction**

(a) Pathogen reduction requirements apply to all operations eligible for a registration, standardized, or full composting facilities permit.

(b) The density of fecal coliform in the stabilized compost shall be less than 1,000 Most Probable Number per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the stabilized compost shall be less than three (3) Most Probable Number per four (4) grams of total solids (dry weight basis).

(c) Compost facilities shall be operated and monitored, unless otherwise authorized by the enforcement agency pursuant to paragraph (d) of this section, as follows to ensure that the standards in paragraph (b) of this section are met.

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(1) Each compost facility shall take each day at least one temperature reading per either 150 feet of windrow, or fraction thereof, or for every 200 cubic-yards of active compost.

(2) Wherever possible daily temperature measurements shall be performed where previous temperature readings were performed, and shall be measured for pathogen reduction as follows:

(A) Windrow composting processes and agitated bays shall be monitored twelve (12) inches below the pile surface;

(B) Aerated static pile composting processes shall be monitored twelve (12) to eighteen (18) inches below the insulation cover.

(3) Due to variations amongst enclosed and within-vessel composting system designs, including tunnels, the operator shall submit a system-specific temperature monitoring plan with the permit application to meet the requirements of paragraph (b) of this section.

(A) At enclosed or within-vessel compost facilities, including tunnels, all active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for 3 days.

(4) If the facility uses a windrow composting process, all active compost shall be maintained under aerobic conditions at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for 15 days or longer. During the period when the compost is maintained at 55 degrees Celsius or higher, there shall be a minimum of five (5) turnings of the windrow.

(5) If the facility uses an aerated static pile composting process, all active compost shall be covered with 6 to 12 inches of insulating material, and the active compost shall be maintained at a temperature of 55 degrees Celsius (131 degrees Fahrenheit) or higher for 3 days.

(d) Alternative methods of compliance may be approved by the enforcement agency if the enforcement agency determines that the alternative method will provide equivalent pathogen reduction.

Article 7**Composting Operation Records****Section 17869.1****General Record Requirements**

Composting Operations Regulatory Requirements

(a) This section applies to all composting operations eligible for notification of the enforcement agency, a registration, standardized, or full solid waste facilities permit.

(b) All records required by this Chapter shall be kept in one location and accessible for five (5) years and shall be available for inspection by authorized representatives of the board, enforcement agency, local health entity, and other duly authorized regulatory and enforcement agencies during normal working hours.

(c) The operator shall record any special occurrences encountered during operation and methods used to resolve problems arising from these events, including details of all incidents that require implementing facility emergency procedures.

(d) The operator shall record any public complaints, including;

- (1) the nature of the complaint,
- (2) the date the complaint was received,
- (3) if available, the name, address, and telephone number of the person or persons making the complaint, and
- (4) any actions taken to respond to the complaint.

(e) The operator shall record temperature readings of compost as required for fire protection.

Section 17869.2 Additional Record Requirements

(a) This section applies to all composting facilities eligible for a registration, standardized, or full solid waste facilities permit.

(b) The operator shall record the quantity and type of feedstock received and quantity of compost produced.

(c) The operator shall record the number of load checks performed and loads rejected.

(d) The operator shall retain records detailing pathogen reduction methods.

(e) The operator shall record the dates windrows are turned.

(f) Test results generated by compliance with Article 6 of this Chapter, shall be retained for five (5) years.

Section 17869.3 Special Record Requirements

(a) The operator shall retain copies of self-certifications executed pursuant to the requirements of 40 CFR 503.

Article 8 Composting Facility Site Restoration

Section 17870 Site Restoration

(a) This section applies to all composting facilities eligible for standardized and full composting facility permits.

(b) All composting facility operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.

(c) The operator shall ensure that the following site restoration procedures shall be performed:

(1) Upon completion of operations and termination of service;

(A) The facility grounds, ponds, and drainage areas shall be cleaned of all residues, including but not limited to, compost materials, construction scraps, and other materials related to the operations, and these residues legally recycled, reused, or disposed of,

(B) All machinery shall be cleaned and removed or stored securely, and

(C) All remaining structures shall be cleaned of compost materials, dust, particulates, or other residues related to the composting and site restoration operations.

Compost Operations Placement in Regulatory Tier Structure

Operation Categories	EXCLUSION	NOTIFICATION	REGISTRATION	STANDARDIZED	FULL
Backyard/Community Composting	All activities or operations under a certain size	NA	NA	NA	NA
Biomass Facilities Mushroom Farms Silage Operations Vermicomposting	All facilities or operations in this category	NA	NA	NA	NA
Agricultural Composting	Operations Composting Material from an Agricultural Source For Use on Specified Agricultural Lands	Operations Composting Material from an Agricultural Source For Sale or Give-away	NA	NA	NA
Green Material or Manure Composting	NA	Operations Processing Less Than 1,000 CuYds	Facilities Processing from 1,000 to 10,000 CuYds	Facilities Processing More Than 10,000 CuYds	NA
Food Processing Residue Composting	NA	NA	Facilities Processing Less Than 10,000 CuYds	Facilities Processing More Than 10,000 CuYds	NA
Sewage Sludge Composting	NA	NA	NA	NA	All facilities in this category
Mixed Solid Waste Composting	NA	NA	NA	NA	All facilities in this category

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 20, 1994

AGENDA ITEM # 14

ITEM: Consideration of Approval to Notice for Public Comment the Permit Reform Act Regulations and Negative Declaration of Potential Environmental Impacts to Satisfy Requirements of the California Environmental Quality Act, Title 14, California Code of Regulations Sections 18800 and 18801.

BACKGROUND: The Permit Reform Act of 1981 (Stats. 1981, Chap. 1087) requires all state agencies which issue permits to adopt regulations, regarding their procedures for considering and issuing permits, specifying the agency's permit processing times. The information provided within these regulations must include: the maximum time within which the agency must inform a permit applicant that an application is either complete and accepted for filing or is incomplete and rejected for filing and the reasons for rejection; and, the maximum time from the filing of a completed application within which an agency must reach a permit decision.

The regulations must also include the agency's median, minimum, and maximum times for processing a permit, from the receipt of the initial application to the final permit decision, based on the agency's actual performance during the two years immediately preceding the proposal of the regulation.

A.B. 2466 (Farr, Stats. 1992. Chap. 1200), amended Government Code Section 15378 by adding the Secretary for California Environmental Protection to a list of State Agency Secretaries who are required to adopt regulations establishing an appeal process for violations of the Permit Reform Act. The appeal process must allow an applicant to appeal directly to the Secretary for a timely resolution of any dispute arising from a violation of the time periods required by the Permit Reform Act. The regulations must also provide for full reimbursement of any and all filing fees paid by a permit applicant whose application was not processed within the time limits, and whose appeal to the Secretary was decided in the applicant's favor. Information regarding the appeal process shall be included in the permit application forms issued by the agency.

Analysis: The first section of the proposed regulations lists in one location Permit Reform Act timelines for different permits

issued by the California Integrated Waste Management Board ("Board"), and by an Enforcement Agency, which has been certified by the Board, pursuant to the Integrated Waste Management Act (Public Resources Code Section 40000 et seq.).

1. Solid Waste Facility Permits

Any person who proposes to become an operator of a Solid Waste Facility must file with the Enforcement Agency an application for a Solid Waste Facility Permit. The Enforcement Agency will be either a local agency certified by the Board or the Board in cases where a jurisdiction does not have a certified Local Enforcement Agency.

Title 14 California Code of Regulations ("CCR") section 18203 provides that the enforcement agency shall either accept or reject an application package within thirty days of its receipt. If an application package is rejected, the enforcement agency shall, within five business days of the determination, so notify the applicant, enumerating the grounds for rejection.

Public Resources Code Section 44008 provides that a decision to issue or not issue the permit shall be made by the enforcement agency within 120 days of the time the application is filed, unless waived by the applicant.

2. Used Oil Collection Center Certifications

Any person who proposes to operate a used oil collection center must apply for a certification from the Board. Title 14 CCR section 18650.4 provides that the Board will notify an applicant in writing, within ten working days of receipt of the application, that it is either complete, correct and accepted for filing, or that it is incomplete and rejected for filing and provide the reasons for rejection.

Title 14 CCR section 18650.4 also provides that a decision to issue or not issue the certification shall be made by the Board within 45 calendar days of the time the application is filed. This regulation also provides that the applicant will be notified whether the application is granted or denied within a minimum of 25 days, a median of 35 days, and a maximum of 45 days from the filing of a complete and correct application.

3. Used Oil Recycling Incentive Payment Registrations

All industrial generators, operators of curbside collection

programs, and electric utilities wishing to claim the payment of the Board's used oil recycling incentive must apply for registration with the Board.

Title 14 CCR section 18653.4 provides that the Board will notify an applicant in writing within ten working days of receipt of the application that it is either complete, correct and accepted for filing, or that it is incomplete and rejected for filing and provide the reasons for rejection.

Title 14 CCR section 18653.4 also provides that a decision to issue or not issue the registration shall be made by the Board within 45 calendar days of the time the application is filed. This regulation also provides that the applicant will be notified whether the application is granted or denied within a minimum of 25 days, a median of 35 days, and a maximum of 45 days from the filing of a complete and correct application.

4. Waste Tire Facility Permits

Every operator of a new or existing waste tire facility must apply to the Board for a waste tire facility permit.

Title 14 CCR section 18423 provides that the Board shall either accept or reject an application within thirty days of its receipt. If an application package is rejected, the Board shall, within five business days of the determination, so notify the applicant, enumerating the grounds for rejection.

Title 14 CCR section 18425 provides that a decision to issue or not issue the permit shall be made by the Board within 180 calendar days of the time the complete application is filed, unless the applicant requests an extension of time. However, if the Board is the lead agency for the project for which an environmental impact report ("EIR") must be prepared, the Board shall have one year from the date the complete application is filed to issue or deny issuance of a permit. Furthermore, if there is an extension of time pursuant to Public Resources Code section 21100.2 to complete and certify the EIR, the Board shall issue or deny the issuance of the permit within 90 days after certification of the EIR. This extension of time may be extended once more for an additional period, not to exceed 90 days, upon consent of both the applicant and the Board.

The second section of the proposed regulations allows for an appeals process which allows an applicant to appeal directly to

the Secretary for California Environmental Protection for a timely resolution of any dispute arising from a violation of the time periods required by the Permit Reform Act. The regulations provide reimbursement of any and all filing fees paid by a permit applicant whose application was not processed within the time limits and whose appeal was decided by the Secretary in the applicant's favor.

The proposed Negative Declaration finds that the proposed action will not have a significant effect on the environment and that an Environmental Impact Report (EIR) is therefore not required under the provisions of the California Environmental Quality Act of 1970 (CEQA) as amended.

Recommendation: Staff recommends that the Permitting and Enforcement Committee approve the notice for public comment of the Permit Reform Act regulations.

ATTACHMENTS:

1. Text of Regulations.
2. Initial Statement of Reasons.
3. Resolution 94-156.

Prepared by: Jacques Graber Phone: 255-2427

Reviewed by: Kenneth Hughes Phone: 255-2467

Reviewed by: Dorothy Rice *CT* Phone: 255-2208

Legal review: *ES* Date/Time 7/11/94 11:10 AM

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD8800 Cal Center Drive
Sacramento, California 95826**CHAPTER 10. PERMIT REFORM ACT.**
ARTICLE 1. PERMIT REFORM ACT.**NOTICE OF PROPOSED RULEMAKING**

The California Integrated Waste Management Board proposes to amend Chapter 10, Article 1., Permit Reform Act, by adopting new Sections 18800 and 18801. The new sections set out the time periods required by the Permit Reform Act for all permits issued by the California Integrated Waste Management Board ("Board") and by an Enforcement Agency which has been certified by the Board, pursuant to the Integrated Waste Management Act (Public Resources Code Section 40000 et seq.).

COMMENT PERIOD

Any person may present oral or written comments relevant to the proposed action during the public comment period. Written comments concerning the adoption of the proposed regulations should be addressed to Elliott Block at the address listed below, and must be received at the Board's Sacramento office no later than 4:00 PM on October 9, 1994. During the prescribed 45 day comment period, Board staff may hold workshops throughout the state. Currently, no workshops are planned.

PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, a public hearing will be held if the Board receives a written request for a public hearing from an interested person or his or her duly authorized representative no later than 15 days prior to the close of the written comment period. The hearing date and time will be noticed to all interested parties. If you wish to be notified, please contact Elliott Block at (916) 255-2821. The hearing will be held at the Sacramento Office of the Board, 8800 Cal Center Drive, Sacramento, California. It is requested that persons making oral comments shall submit a written copy of their testimony at the hearing. The hearing room is wheelchair accessible.

INFORMATIVE DIGEST

The permit Reform Act of 1981 (Stats. 1981, Chap. 1087) requires all state agencies which issue permits to adopt regulations, regarding their procedures for considering and issuing permits, specifying the agency's permit processing times. The information provided within these regulations must include: the maximum time within which the agency must inform a permit applicant that an application is either complete and accepted for filing or is

incomplete and rejected for filing and the reasons for rejection; and, the maximum time from the filing of a completed application within which an agency must reach a permit decision.

The regulations must also include the agency's median, minimum and maximum times for processing a permit, from the receipt of the initial application to the final permit decision, based on the agency's actual performance during the two years immediately preceding the proposal of the regulation.

AUTHORITY AND REFERENCES

The Board proposes to adopt Sections 18800 and 18801 of Chapter 10., Article 1. of the Permit Reform Act pursuant to authority cited, Section 15376 of the Government Code.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Board staff has determined that the proposed regulations do not impose a mandate on local agencies or school districts, and no state reimbursement pursuant to Part 7 commencing with Section 17500 of Division 4 of the Government Code is required.

COST TO LOCAL AGENCIES, SCHOOL DISTRICTS AND STATE AND FEDERAL FUNDS

Board staff has determined that the proposed regulations will result in no costs or savings to any state agencies, and no costs to any local agencies or school districts that are required to be reimbursed under Part 7 commencing with Section 17500 of Division 4 of the Government Code, no other non-discretionary costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS AND SMALL BUSINESSES

Board staff has determined that the proposed regulations will have no significant adverse impact on housing costs or small businesses.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

Board staff has determined that the proposed regulations will have no significant adverse impacts on private persons.

ALTERNATIVES CONSIDERED

The Board must determine that no alternatives considered would be more effective in carrying out the purposes for which this action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

The contact person to whom inquiries and written comments may be

directed is:

Elliott Block
California Integrated Waste Management Board
Government and Regulatory Affairs Division,
Legal Branch
8800 Cal Center Drive
Sacramento, California 95826
(916) 255-2821

AVAILABILITY OF STATEMENT OF REASONS

Copies of the text of the proposed regulations and Initial Statement of Reasons may be obtained from the agency contact person named above.

After close of the 45 day comment period, the Board may adopt the proposed regulations. If sufficiently related changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Requests for the modified text should be made to the contact person named above. The Board will accept written comments on the modified text for 15 days after the date on which they are made available.

INITIAL STATEMENT OF REASONS

Chapter 10. Permit Reform Act

Article 1. Permit Reform Act

Section 18800. Permit Processing Times.

A) Problem Statement

The Permit Reform Act of 1981 (Stats. 1981, Chap. 1087) requires all state agencies which issue permits to adopt regulations, regarding their procedures for considering and issuing permits, specifying the agency's permit processing times. The information provided within these regulations must include: the maximum time within which the agency must inform a permit applicant that an application is either complete and accepted for filing or is incomplete and rejected for filing and the reasons for rejection; and, the maximum time from the filing of a completed application within which an agency must reach a permit decision.

The regulations must also include the agency's median, minimum, and maximum times for processing a permit, from the receipt of the initial application to the final permit decision, based on the agency's actual performance during the two years immediately preceding the proposal of the regulation.

B) Need for Regulation

This section sets out the time periods required by the Permit Reform Act for all permits issued by the California Integrated Waste Management Board ("Board"), and by an Enforcement Agency, which has been certified by the Board, pursuant to the Integrated Waste Management Act (Public Resources Code Section 40000 et seq.).

1. Solid Waste Facility Permits

Any person who proposes to become an operator of a Solid Waste Facility must file with the Enforcement Agency an application for a Solid Waste Facility Permit. The Enforcement Agency will be either a local agency certified by the Board or the Board in cases where a jurisdiction does not have a certified Local Enforcement Agency.

Title 14 California Code of Regulations ("CCR") section 18203 provides that the enforcement agency shall either accept or reject an application package within thirty days of its receipt. If an application package is rejected, the enforcement agency shall, within five business days of the determination, so notify the applicant, enumerating the grounds for rejection.

Public Resources Code Section 44008 provides that a decision to issue or not issue the permit shall be made by the enforcement agency within 120 days of the time the application is filed, unless waived by the applicant.

The Board does not currently have complete data on the median, minimum, and maximum times for processing a Solid Waste Facility Permit.

2. Used Oil Collection Center Certifications

Any person who proposes to operate a used oil collection center must apply for a certification from the Board. Title 14 CCR section 18650.4 provides that the Board will notify an applicant in writing, within ten working days of receipt of the application, that it is either complete, correct and accepted for filing, or that it is incomplete and rejected for filing and provide the reasons for rejection.

Title 14 CCR section 18650.4 also provides that a decision to issue or not issue the certification shall be made by the Board within 45 calendar days of the time the application is filed. This regulation also provides that the applicant will be notified whether the application is granted or denied within a minimum of 25 days, a median of 35 days, and a maximum of 45 days from the filing of a complete and correct application.

3. Used Oil Recycling Incentive Payment Registrations

All industrial generators, operators of curbside collection programs, and electric utilities wishing to claim the payment of the Board's used oil recycling incentive must apply for registration with the Board.

Title 14 CCR section 18653.4 provides that the Board will notify an applicant in writing within ten working days of receipt of the application that it is either complete, correct and accepted for filing, or that it is incomplete and rejected for filing and provide the reasons for rejection.

Title 14 CCR section 18653.4 also provides that a decision to issue or not issue the registration shall be made by the Board within 45 calendar days of the time the application is filed. This regulation also provides that the applicant will be notified whether the application is granted or denied within a minimum of 25 days, a median of 35 days, and a maximum of 45 days from the filing of a complete and correct application.

4. Waste Tire Facility Permits

Every operator of a new or existing waste tire facility must apply to the Board for a waste tire facility permit.

Title 14 CCR section 18423 provides that the Board shall either accept or reject an application within thirty days of its receipt. If an application package is rejected, the Board shall, within five business days of the determination, so notify the applicant, enumerating the grounds for rejection.

Title 14 CCR section 18425 provides that a decision to issue or not issue the permit shall be made by the Board within 180 calendar days of the time the complete application is filed, unless the applicant requests an extension of time. However, if the Board is the lead agency for the project for which an environmental impact report ("EIR") must be prepared, the Board shall have one year from the date the complete application is filed to issue or deny issuance of a permit. Furthermore, if there is an extension of time pursuant to Public Resources Code section 21100.2 to complete and certify the EIR, the Board shall issue or deny the issuance of the permit within 90 days after certification of the EIR. This extension of time may be extended once more for an additional period, not to exceed 90 days, upon consent of both the applicant and the Board.

The Board does not currently have complete data on the median, minimum, and maximum times for processing a Waste Tire Facility Permit.

Section 18801. Appeal Procedure

A) Problem Statement

A.B. 2466 (Farr, Stats. 1992. Chap. 1200), amended Government Code Section 15378 by adding the Secretary for California Environmental Protection to a list of State Agency Secretaries who are required to adopt regulations establishing an appeal process for violations of the Permit Reform Act. The appeal process must allow an applicant to appeal directly to the Secretary for a timely resolution of any dispute arising from a violation of the time periods required by the Permit Reform Act. The regulations must also provide for full reimbursement of any and all filing fees paid by a permit applicant whose application was not processed within the time limits, and whose appeal to the Secretary was decided in the applicant's favor. Information regarding the appeal process shall be included in the permit application forms issued by the agency.

B) Need for Regulation

This regulation is necessary to provide the process required by Government Code Section 15378 within the body of regulations that apply to the Board.

California Integrated Waste Management Board
Resolution 94-156
July 27, 1994

Consideration of Approval of a Negative Declaration for the Adoption of Regulations For The Administrative Procedures Act Which Establish Informational Guidelines on Maximum, Median and Minimum Time Limits For Processing Applications.

WHEREAS, the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.), and State CEQA Guidelines, Section 15074 (b) require that prior to approval of a proposed project, the decision-making body of the Board, as Lead Agency, shall consider the proposed Negative Declaration for the adoption of proposed regulations for the Administrative Procedures Act, together with any comments received during the public review process. The decision-making body shall approve the Negative Declaration if it finds on the basis of the Initial Study and any comments received that there is no substantial evidence that the project will have a significant effect on the environment.

WHEREAS, formal notice of rulemaking activity was published on _____, 1994, in California Regulatory Notice Register 94, Volume No. _____, the 45-day public comment period has passed and the Board has held a public hearing to consider the adoption of the revisions to the Administrative Procedures Act Language on Maximum, Median and Minimum Times to Process Applications; and

WHEREAS, the Board held a 45-day public comment period; and

WHEREAS, the Board has taken these comments under consideration; and

WHEREAS, since the Board has fulfilled all of the requirements of Government Code Sections 11343., 11346.1, 11346.14, 11346.4, 11346.5, 11346.53, 11346.7, 11346.8, and 11347.3; and Title 1 California Code of Regulations Section 20; and

WHEREAS, the Board has maintained a rulemaking file which shall be deemed to be the record for the rulemaking proceedings pursuant to Government Code Section 11347.3; and

WHEREAS, the Board has reviewed the proposed Negative Declaration together with all comments received during the state agency review period assigned by the State Clearinghouse and public review period announced in two newspapers of general circulation throughout the State of California as required by the State CEQA Guidelines, Section 15072(a).

NOW, THEREFORE, BE IT RESOLVED that the Board hereby deems the proposed Negative Declaration complete.

BE IT FURTHER RESOLVED that the Board has determined that the project as proposed will not have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Board adopts the Negative Declaration, State Clearinghouse Number _____.

BE IT FURTHER RESOLVED that the Board directs staff to prepare and submit a Notice of Determination of the project to the State Clearinghouse for filing as required by the State CEQA Guidelines, Sections 15075.

CERTIFICATION

The undersigned Executive Director of the California Integrated Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Integrated Waste Management Board held on _____, 1994.

Dated:

Ralph E. Chandler
Executive Director

DRAFT

Chapter 10. Permit Reform Act

Article 1. Permit Reform Act

Section 18600. Permit Processing Times.

(a) Within the number of working days, of receipt of an application for a permit, shown in column A of subsection (c), an applicant shall be informed in writing, by the agency noted in subsection (c), that the application is either complete and accepted for filing, or that it is incomplete and rejected for filing for the reasons enumerated. An application is considered complete if all necessary fees have been submitted and all information required by law is contained in the application and is correct.

(b) Within the number of calendar days after the filing of a complete application, as shown in column B of subsection (c), the agency noted in subsection (c) shall approve or disapprove the application.

(c) The minimum, median, and maximum time periods, in calendar days, for processing an application from the filing of the complete application to the final decision, based on actual performance during the two years immediately preceding the proposal of this section, are shown in columns C, D, and E of the chart which follows:

		A	B	C	D	E
Permit Type	Agency Granting Permit	Maximum Time for notifying that application is Complete or Deficient	Maximum Time after filing of a complete application to Approve or Deny Permit	ACTUAL CALENDAR DAYS TO PROCESS BASED ON PRIOR TWO YEARS		
		(working) (days)	(calendar) (days)	minimum	median	maximum
Solid Waste Facility Permit	Enforcement Agency	35	120	TBD■	TBD	TBD
Used Oil Collection Center Certification	Board	10	45	25	35	45
Used Oil Recycling Incentive Payment Registration	Board	10	45	25	35	45
Waste Tire Facility Permit*	Board	35	180	TBD	TBD	TBD
* (When Board Is Lead Agency)		35	1 YEAR	TBD	TBD	TBD
* (When Board Is Lead Agency, and Extension Is Granted For Certification of EIR□)		35	180 DAYS After EIR Certified	TBD	TBD	TBD

■ TBD: "To Be Determined."

□ EIR: "Environmental Impact Report."

Note: Authority cited: Section 15376, Government Code. Reference: Section 15376, Government Code.

Section 18801. Appeal Procedure.

(a) The following information shall be included on application forms for all board permits subject to Government Code Sections 15374-15378:

"The board has established time periods for the processing of permit applications, in compliance with Government Code Sections 15374-15378. Failure to comply with these time periods may be appealed to the Secretary for Environmental Protection, pursuant to regulations set forth in Title 14, California Code of Regulations, Section 18801. Under certain circumstances, the Secretary may order that the applicant receive a reimbursement of filing fees."

(b) An applicant whose application for a permit has not been processed within the time periods referenced by Section 18800 may appeal in writing to the Secretary for Environmental Protection. The appeal shall set forth a concise statement of facts and chronology of events regarding the application. An appeal concerning a permit application on which a final decision has been made must be filed within 30 days of the date the applicant was notified of the decision.

(c) The Secretary shall promptly review an appeal filed under this section and shall issue a decision within 30 days after conducting any investigation of the matter which the Secretary deems appropriate.

(d) If the Secretary finds that a program exceeded the time limit for informing the permit applicant that an application is complete or is deficient and requires additional information to be processed, the Secretary shall direct the program to make its determination by a specified date and so inform the applicant.

(e) The time period within which a decision must be made to issue or deny the permit commences with the date the complete application is filed. If the Secretary finds that the time period for acting on a completed application was exceeded without the good cause defined by Government Code Section 15376(h), and the Secretary decides the appeal in the applicant's favor, all filing fees paid by the permit applicant will be refunded.

Note: Authority cited: Sections 15376 and 15378, Government Code.
Reference: Sections 15376 and 15378, Government Code.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, California 95826



*Jesse Huff, Chairman
Sam Egigian, Member
Paul Relis, Member*

ADDENDUM

Wednesday, July 20, 1994
10:00 a.m.
meeting of the

PERMITTING AND ENFORCEMENT COMMITTEE

of the
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, CA 95826

11:00 AM

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA AS ADDENDUM ITEM #1:

1. CONSIDERATION OF PUBLIC RESOURCES CODE SECTION 44009 REGARDING WHEN A FACILITY PREVENTS OR SUBSTANTIALLY IMPAIRS ACHIEVEMENT OF THE DIVERSION REQUIREMENTS

Page
1

For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Patti Bertram
(916) 255-2156

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee

July 20, 1994

ADDENDUM ITEM #1

ITEM: CONSIDERATION OF PUBLIC RESOURCES CODE SECTION 44009
REGARDING WHEN A FACILITY PREVENTS OR SUBSTANTIALLY
IMPAIRS ACHIEVEMENT OF THE DIVERSION REQUIREMENTS

I. SUMMARY

This item was introduced at the June Committee meeting. Among the comments received during the discussions was the question of "what constitutes the 'record' upon which the Board makes its decision concurring or objecting to the issuance of a solid waste facilities permit with regard to the determination that a facility prevents or substantially impairs the achievement of the diversion goals." After these discussions, it was the intention of the Committee to take testimony on this and other issues at the July Committee meeting.

The purpose of this item is to provide analysis and background on the specific question of "what constitutes the record."

II. ACTION

This item has been prepared for Committee and Board discussion. Upon the conclusion of discussion, the Board can define and adopt a policy regarding when a facility prevents or substantially impairs achievement of the diversion requirements, or continue consideration of the item for further testimony and staff analysis.

III. ANALYSIS

The "record" in this analysis is for the specific purpose of the Board's consideration of concurrence or objection to permits.

The Board gathers evidence into this record from written materials, such as permit applications and supporting documents, staff analyses, public comment and testimony, and answers to its own questions asked during the open public meetings, which are the forum for Board decision-making. During the 60 days in which staff makes its analysis of proposed permits, staff reviews submitted documents and also makes independent inquiries of local enforcement agencies (LEA) and others to corroborate and clarify the information submitted as part of the proposed permit package. Nothing in the Act requires the staff or the Board to consider only that information which is submitted to it as a part of the original application or proposed permit package.

Making findings in the record as a means and condition for the board to make a decision is found in five other areas of the Act. These areas include board reduction of diversion requirements (Public Resources Code [PRC] §41782), allowing credit for diversion by transformation (PRC §41783), approval of alternative post-1995 plans in lieu of meeting the 50 percent requirement (PRC §41785), approval of plans and elements (PRC §41801) and planning time extensions (PRC §41820). In all of these areas, there are no restrictions on what constitutes the record, and no requirement to limit the type of information that can be considered.